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**NYALI MEANS CHANGE:
THE JUNE 14, 1993 REFERENDUM IN MALAWI**

FINAL ACTIVITY REPORT

**IFES MONITORING, VOTER EDUCATION, AND POLLWORKER TRAINING PROJECT
April 23 - July 3, 1993**

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July 30, 1993

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EXECUTIVE SUMMARY

From April 23 until June 20, 1993, the International Foundation for Electoral Systems (IFES) conducted an election assistance project in Malawi. The project was designed as part of the United Nations Electoral Assistance Secretariat's program and was financed through USAID/Malawi mission funds.

The objectives for the Malawi Referendum Support Project were specified in the Scope of Work section of PIO/T No. 612-0234-3-20030 and 612-0234-3-30002. These objectives, matching those in IFES' project proposal, were the following:

- to inform voters in Malawi of the importance and implications of the June 14, 1993 referendum;
- to train polling officials so the referendum is efficient and fair;
- to monitor compliance with referendum regulations and international standards for a free and fair referendum; and
- to inform USAID/Malawi of appropriate approaches/activities to support in future democracy/governance efforts.

To achieve these objectives, IFES designed a comprehensive technical assistance project composed of three elements. A team of monitors would travel to Malawi several weeks prior to the referendum to evaluate the ongoing preparations and environment leading to the exercise. A voter education consultant would work with the Malawi National Referendum Commission to ensure wide dissemination of relevant information covering the referendum. Finally, a team of trainers would work with election officials to create a group of individuals who could train the bulk of the thousands of pollworkers needed for the referendum.

Each of the project elements carried its own set of objectives. These are discussed in the chapters relating to specific project activity. In addition to carrying out the stated objectives, the IFES project team provided assistance in the areas of election equipment design and distribution, referendum procedures and international observer activities.

The process of registration, whose period was extended to May 8, was generally fair and efficient. Everyone who cared to register was able to do so. Extraordinarily high registration figures were due in part to voters registered in 1992 re-registering or registering at different locations, and in part to the increased desire of the people to vote in the referendum. The campaign period saw a rapid improvement of the playing ground for opposition pressure groups, increasing their ability to take their message to voters all around the country. Biases in state radio reporting and in the granting of permission for holding public meetings, however, kept the atmosphere from being completely fair.

Working throughout the three regions of Malawi, four IFES monitors provided the UN Electoral Assistance Secretariat with ongoing information about political group activity, the general atmosphere surrounding the referendum, the level of information provided to Malawian citizens regarding the referendum, and the effect of these elements on Referendum Day. The monitors were able to visit hundreds of registration and polling centers throughout the three regions of the country, keeping records of observations and continuously following up on suspected election infractions. The monitors also served as resources for international observers and others interested in the referendum process. This monitoring effort is noteworthy for its length and provokes discussion about the larger role international monitors can play without interfering in a country's election process.

The voter education component provided an opportunity for the Referendum Commission to work with an experienced educator who could assist the Commission in its obligation to inform citizens of Malawi about their rights and responsibilities as voters. The IFES consultant and the Commission developed not only a mechanism for distributing information about voting procedures, but also a forum for dialogue regarding the related issues of democracy, governance and public participation

in civil society. Together, they designed a diverse voter education program using radio, posters, town hall meetings and theater to bring the information to as many Malawians as possible.

Four IFES trainers, the Referendum Commission and several hundred election officials collaborated in preparation for the administration of the June 14 referendum. The design and implementation of the pollworker training project was a challenge from the beginning, as less than a month before the referendum, there existed no consensus on the procedures or regulations that would be in force. The training team designed a manual and a training program to distribute procedural information as soon as it was available. The manual, printed in two languages, served as the definitive document for the administration of the referendum.

The four IFES monitors and two pollworker trainers remained in Malawi to become part of the UN's Joint International Observer Group for the June 14 Referendum. On the balance, the majority of stations that the 210 observers visited on Referendum Day were administered by trained officials, using their training manuals and voter education posters as references. Counting went on into the afternoon of June 15 for the larger districts. On Wednesday, June 16, the official announcement of the referendum results was that the multiparty option had received 63% of the vote to the MCP's 34%, with 3% null and void ballots. Consistent comments regarding the completion of the Official Report - the form used to record the results of the voting and counting procedures and any related complaints - demonstrate a need for election workers to pay special attention to this crucial part of the process.

As stated above, the IFES project was conducted in coordination with the UN Electoral Assistance Secretariat. The IFES team shared the offices, coordinators, support staff and transportation of the Secretariat throughout the project period. The success of all components of the IFES project is largely attributable to the cooperative relationship between IFES and the Electoral Assistance Unit.

The completion of the project provided an opportunity for all of the team members to make observations and recommendations regarding future areas worth attention in the changing Malawian

political and electoral context. A new voter registry, a permanent election commission, and a code of conduct for political parties were seen as the most immediate and obvious needs. More long-term areas included fundamental changes in the Malawi Broadcasting Corporation's news broadcast content, voter and civic education programs, ensuring accountability in campaign and election practice, and increasing the role and visibility of women in Malawi's political development. Many of these objectives can be achieved with the continued interest and support of the international community.

I. INTRODUCTION

On 18 October 1992, Dr. Hastings Kamuzu Banda, Life President of Malawi announced a national referendum for the country to determine whether or not it would continue to be governed in a one-party political system. The question, which designated the Malawi Congress Party as the only party that would inherit a one-party political system, also implied that the President would remain the head of state. Malawi was almost unique in Africa by autumn of 1992, having undergone none of the national conferences, cease-fires or legalized multiparty elections of its neighbors. As a result, international attention toward the Malawian government's human rights record (specifically in terms of its treatment of self-described and de facto multiparty advocates) as well as the legitimacy of its claim to be a one-party democracy increased markedly during that year. The question split the Malawian political terrain into two general camps: the ruling Malawi Congress Party, which has been the only legal party since 1964, and several churches, organizations and pressure groups (organizations not legally recognized as political parties) - the Episcopal Conference of Malawi, the Christian Council of Malawi, the General Synod of the Church of Central Africa Presbyterian, the Anglican Dioceses of Lake Malawi and Southern Malawi, the Associated Chambers of Commerce, the Muslim Association of Malawi, the Malawi Law Society, the Alliance for Democracy (AFORD) and the United Democratic Front (UDF) - which focused on the need for a change to a multiparty political system.

BACKGROUND

The Government of Malawi requested United Nations assistance in the organization, financing and monitoring of its referendum process. In November 1992, a team of five technical experts including Keith Klein, IFES Director of Programs for Africa and the Near East, and Horacio Boneo, Director of the UN Electoral Assistance Unit, traveled to Malawi for seven days to undertake a preliminary assessment of the government's state of preparedness for an internationally recognized, fair and legitimate exercise.

The team made a number of observations on the current state of affairs in Malawi. It suggested several factors that would contribute to the overall fairness of the referendum: a) an independent,

neutral referendum commission; b) organized, competitive groups in support of both sides of the referendum issue; c) the guarantee of free opinion and expression, assembly and movement of political groups; d) assurance that the electorate is able to make an informed decision about the issue; e) registration of all eligible voters; f) a balloting system that utilized one ballot box and other security measures; and g) the presence of international observers.

Dr. Banda announced on 31 December 1992 that the referendum would take place on 15 March 1993. A follow-up visit by a UN team in January recommended, among other things, that the referendum date be rescheduled to facilitate the participation of pressure groups (also referred to as special interest groups, who supported the change to a multiparty system, but under the constitution were not legally entitled to form political parties). It again recommended, in a departure from previous election procedures in Malawi, that the referendum be conducted using only one ballot box, after the voter made his or her choice in secret.

As a result of these and other recommendations, on February 5, the government rescheduled the referendum for 14 June, 1993. It waived the requirements for pressure groups to obtain police permission to conduct campaign activities. A Referendum Commission was created to oversee the referendum operations. The President's Committee on Dialogue (PCD), a group made up of representatives supporting the one-party option, was created to negotiate the procedures and conduct of the referendum campaign, monitoring and administration with the already-existing Public Affairs Committee (PAC), a coalition of multiparty advocacy groups and churches. Responding to concerns of the PAC that the Referendum Commission included no multiparty supporters, the government increased the size of the Referendum Commission from twelve to twenty members to include supporters on both sides of the question. However, it did not alter the balloting system of using one box per opinion, nor did it directly accept other UN recommendations at that time. The Referendum Commission took no role in the interpretation of the regulations on this point. While the Commission was authorized by the regulations to establish or revise procedures, it would only do so in making the decision that military personnel would not be eligible to vote.

By the end of the first week in May, the status of the referendum was uncertain. Current referendum regulations required the use of two ballot boxes, whereas the Public Affairs Committee, relying on the recommendation of the United Nations Technical Assistance teams, stated that it would boycott the referendum unless a one-ballot-box system was employed. The position of the UN Electoral Assistance Secretariat, on site to support the referendum process and coordinate international observers since March 24, was that unless consensus was achieved between the Public Affairs Committee and the President's Committee on Dialogue - either to use two ballot boxes or one box - the UN election assistance project would be canceled. The PAC extended its deadline to decide to boycott the referendum until May 8; however, no formal decision to boycott was made when the day arrived.

During the week of May 10, a UN special envoy arrived in Malawi to negotiate an end to the ballot box stalemate between the PAC and the PCD. As the discussions continued, the PAC's deadline was informally extended to May 23.

On May 17, it seemed possible that the PCD would insist on two boxes and the PAC would boycott the election. That evening, Life President Banda made a speech on Malawi Broadcasting network regarding the final ballot box decision. One box and one voting booth would be used; however, two ballot papers were to be issued to each voter. The voter would discard the ballot he or she did not prefer inside a box located in the voting booth; then deposit the favored ballot into an envelope, placing the envelope into the ballot box. The decision, in addition to facilitating the voter and civic education efforts of all of the pressure groups, sent a signal to those groups and the authorities that the campaign could enter its intensive stage. Although the end of registration marked the official start of the campaign, political activity in support of both sides of the question increased markedly following the President's decision. With the decision also came the final physical requirements of the referendum. The Referendum Commission would have to design a ballot and envelope ensemble that would be easy to understand, use and fit into the ballot boxes used in previous elections. It would also have to revise, approve and promulgate the current Regulations prior to the referendum.

The ballot box decision was the largest obstacle to the progress of the referendum. Once this hurdle was cleared, members of PAC and PCD were able to devote their attention to rallies, civic education demonstrations, printing of literature, and otherwise encouraging voters to support their side.

PROJECT DESIGN

Within this context, the UN Electoral Assistance Secretariat (UNEAS) was created as part of the Electoral Assistance Unit's continued involvement in the Malawian political process. The UNEAS served as the coordinator of a multifaceted project to facilitate the bilateral, international contribution to a free and fair referendum process. The Secretariat shared the offices of the UN Development Programme to manage the combined donor assistance to the referendum process. Dr. Robin Ludwig, the Secretariat Coordinator, and Leticia Martinez, Logistics Coordinator, met regularly from late March with members of PAC, the PCD and the donor community to determine the progress and needs of the referendum preparations. The IFES project, under the umbrella of UNEAS, was to provide assistance to the Referendum Commission with the dual goals of ensuring an informed electorate as well as a trained election staff. The project was designed according to the following scope of work:

- to inform voters in Malawi of the importance and implications of the June 14, 1993 referendum;
- to train polling officials so the referendum is efficient and fair;
- to monitor compliance with referendum regulations and international standards for a free and fair referendum; and
- to inform USAID/Malawi of appropriate approaches/activities to support in future democracy/governance efforts.

To achieve these goals, IFES designed the following three project activities:

- Long-Term Monitoring: IFES would provide four individuals to function as monitors of the political and campaign process during the two months prior to the referendum. These monitors would track referendum-related activities throughout the country, observing compliance with referendum regulations and international standards for a free and fair exercise as part of a larger UNEAS-coordinated team. The IFES monitors would serve as part of the UNEAS Joint International Observer Group (JIOG).
- Voter Education: IFES would provide a Voter Education Advisor to the Referendum Commission, whose mandate was to assist the Commission in developing a comprehensive voter and civic education program reaching all segments of the Malawian population with essential, impartial information regarding the referendum. The program would include information on the importance and implications of the referendum question, ballot secrecy and the details of the voting procedure.
- Pollworker Training: IFES would provide three trainers to implement a program for the effective training of the thousands of election workers administering the referendum. The trainers would develop a cadre of pollworkers with a thorough understanding of the referendum regulations and their duties.

II. THE REGISTRATION AND CAMPAIGN PERIODS

THE REGISTRATION PERIOD: APRIL 3 - MAY 8

The registration period, originally scheduled to run from February 8 through 13, was reopened following the postponement of the referendum to June 14, from April 3 to May 8. While the IFES monitors arrived late in the second registration period, the Joint International Observer Group deployed observers within the second week of April.

Section III of the Referendum Regulations sets out the rules for voter registration. Registrars, selected from the Malawian civil service (consisting mostly of teachers and headmasters) were given one-day training sessions by the Referendum Supervisor. Representatives of all special interest groups were legally entitled to place monitors at individual registration centers. At the time of the IFES team's arrival at the end of April, compliance with the regulations on the part of registrars and monitors was fairly consistent. In those areas where the regulations are ambiguous, the registrars decided generally to err (with the consent of the local monitors) on the side of inclusion rather than exclusion of voters whose eligibility was questionable. As a result, the following situations were noted by the observers during the period:

- Potential voters under the age of twenty-one, particularly women, were accepted as eligible upon the presentation of "mother's cards" - an identity document issued by relief agencies for the purpose of issuing food and health rations. In many cultures, girls and women are regarded as adults as soon as they bear children, their biological age notwithstanding. Using this rationale, a female with at least one child is an adult and therefore should be eligible to vote. Some registrars asked how many children a woman had in order to determine her approximate age and eligibility.
- Voters who registered at their home (or work) location in 1992 registered at different locations in 1993. With no cross-referencing of the list, it was possible for voters to obtain more than one registration certificate. Similarly, the reopening of the voters' register caused voters to think that 1992 registration certificates were invalid, so they attempted to register again. Not until two weeks before the referendum did the Commission publicize the news that both '92 and '93 certificates were valid.
- Monitors from the special interest groups were active participants in the registration process at some centers. They challenged decisions made by the chief registrar, in some cases harassing the staff in their eagerness to ensure adherence to procedure.

- Certain registrars and monitors expressed dismay at not having received duty allowances for the time spent at registration centers. Some indicated that they would be unwilling to turn in their registration books or their monitors' notes, or to be present on the referendum day, until they were paid.

While not directly related to the registration process, the activities of the special interest groups as well as the role of the media at this time were also monitored. Each special interest group has the right, by law, to conduct political rallies after obtaining permission from the local police. However, rallies for multiparty supporters were often cancelled on the day they were scheduled, or were denied permission entirely, in areas considered to be MCP strongholds. Although the MCP was also required by law to request permission to conduct rallies, the representatives that the monitors interviewed had no problem obtaining that permission. Rallies were attended on a voluntary basis by multiparty supporters; on a more compulsory basis for the MCP. Members of the Young Pioneers continued to close marketplaces and bus stops in order to force people to attend an MCP rally. In addition, several monitors received complaints regarding violent assaults that were suspected to be politically motivated. There was insufficient evidence during the registration period to attribute the assaults to any one pressure group. However, the hometowns of known MCP-supporting MPs, as well as bases for the Malawi Young Pioneers, were sites of a higher concentration of such assaults.

The regulations governing the referendum give the Referendum Commission the duty to publicize information on the referendum. Some posters were printed during the registration period. Opposition newspapers were freely available in areas around urban centers. However, Malawi law regarding the radio prohibits anyone other than the studio personnel, when presenting news, information or advertising related to the referendum to be heard in his or her own voice, in addition to leaving the determination of news and program content to the Malawi Broadcasting Corporation. As a result, radio programming showed no noticeable improvement between the issuance of the regulations and the end of the registration period. The top news stories consisted of the travels of the Life President, his disparaging comments regarding multiparty politics and MCP activities.

The situations described above occurred throughout the country. Of the 2,070 registration centers, the long-term members of the Joint International Observer Group used the experience of visiting 275 centers to draw their conclusions about this period. Overall, the IFES monitors reported that the referendum regulations pertaining specifically to the registration period were being followed. IFES monitor Christian Nadeau commented in one of his reports, "Yet, especially in rural areas, [people] did not know exactly for what they were registering. Voter education has been dramatically lacking. The main sources of information in the rural areas are MCP officials and state radio. Thus, people think they vote against the MCP and HE (His Excellency [President Banda]) if they vote for the multiparty option. They do not know they are choosing a system of government." The final registration figures (Appendix A) indicate a registration rate more than double previous rates in many areas, as much as a fivefold increase in some centers. Several reasons were offered to explain the higher numbers: double-registered voters who were already eligible based on '92 registration; dead voters or voters who relocated who were not removed from original rolls; refugees from Mozambique; and a markedly increased desire to participate in this particular electoral exercise.

THE CAMPAIGN PERIOD: MAY 8 - JUNE 12

The rule of the MCP during the last thirty years has been enforced by laws that restrict personal freedom, freedom of speech and expression. It has been reinforced by laws that allow detention without charge, blatant censorship, traditional courts to deny its defendants legal representation, and a social reward to those citizens close to the President and his associates who are willing to expose the activities of their neighbors. This martial-style legislation and enforcement of Malawi's unity are underpinned by a traditional desire for harmony and consensus above all else.

In this atmosphere, the campaign period began during the second week in May. The primary campaign instruments available to all interest groups were printed material, either newspapers, posters or flyers - or political rallies.

Restrictions on Freedom of Assembly - Intimidation

Gradually, through the end of March and April, the police in all regions allowed more and more rally activity to take place. One rule of thumb followed throughout the country was that no pressure group rallies could be held on days that the President was also scheduled to speak. In the Northern region, freedom of pressure groups to campaign varied by district. For some districts, such as Mzimba, pressure groups had no difficulty securing the necessary police permission for meetings. In other districts, such as Mzuzu and Rumphu, police limited the number of meetings that could be organized and canceled meetings at the last minute. However, the pressure groups were able to respond to the more egregious intimidation tactics through the legal system. "Legal suits by AFORD have been very effective in reducing the difficulties they face in Karonga and to a lesser extent in Rumphu District. Mr. Bazuka Muhango, a well-known lawyer who represents Chakufwa Chihana, comes from Karonga. He can speak directly to the Inspector General about police-related problems in Karonga. A judgement by the High Court against the Officer-in-Charge in Rumphu District (the home of Chakufwa Chihana) has had some beneficial effect there." (Susan Wynne, IFES monitor in Mzuzu)

In the Central Region, as all over Malawi, the risk of threats to individuals on the basis of suspected political affiliation decreased dramatically in the past twelve months. This region is home to both the President and John Tembo, and severe physical violence has been concentrated around their respective home towns and MYP camps. Intimidation has included threats of job suspension or involuntary transfers throughout all sectors of the economy on the basis of suspected political affiliation, and beatings. In addition to arrests and charges, many multiparty supporters wearing T-shirts or distributing literature were detained and then released on "police bail", to avoid the embarrassment of obviously trumped-up cases being brought to trial and subsequently dismissed. Following the decision regarding the use of one ballot box and two ballots, supporters from each side of the question encouraged their supporters to bring their discarded ballots to show on the day after the referendum, rather than discarding them in the box provided for this purpose inside the voting booth. Church leaders known to support the multiparty option were alleged to have threatened their

members with excommunication if they did not come to church with the discarded ballot. The Commission issued a press statement around June 3 emphasizing that the amended regulations stipulate jail and penalties for voters not discarding their ballots properly.

In the Southern Region, intimidation took the form of suspension of teachers, many of whom had served as registration officers, for suspected multiparty support. All civil servants involved in the registration process faced the prospect of being dismissed, transferred or suspended for assisting the pressure groups indirectly through any neutral action on their part which was deemed unfavorable to the MCP.

The following excerpts of Sam Gibson's (IFES Monitor in Blantyre) interim report are referenced to the February 5 Referendum Regulations, attached as Appendix B, and reflect the experience in all three regions of Malawi.

Reg. 32: Campaigning by Special Interest Groups. All special interest groups did not enjoy equal treatment under Reg. 32. Pressure groups in each region were required to obtain permission from police before holding any public meeting, while MCP meetings required no prior permission... In the first part of the campaign, pressure groups were often denied permission to hold rallies, or police delayed notifying pressure groups of their decision until the date of the proposed rally had passed. In addition, all political activity in the region, and often in the whole country, was suspended whenever the head of state gave a public address. This situation improved during the final weeks prior to the referendum. Nevertheless, police attended rallies until two days before the referendum, their presence intimidating but making no attempt to stop the proceedings.

Reg. 33: Period of Campaigning. During the campaign period, as stated above, the increased ability of pressure groups to conduct rallies facilitated their development as viable political organizations. Outside of the MCP-stronghold Central Region, both UDF and AFORD coordinators were able to refute the allegation that multiparty supporters were troublemakers out to "confuse" the population. Their continuous presence and generous use of distributing literature, wearing

propaganda clothing, flashing hand signals to passers-by, etc., made citizens feel more confident in expressing their own political beliefs. This in turn led to an atmosphere of open political discussion unprecedented in the experiences of even elder Malawians. Campaigning closed Saturday, June 12 at 1800 hours. While no campaigning went on between Saturday and Monday morning, on referendum day each regional monitor reported at least one person, in one case a Member of Parliament, campaigning in line with the voters. In each case, the polling staff ushered the campaigner away from the polling station.

Reg. 35: Freedom of Expression and Information. ... Regulation 35 states that "no person shall... be subjected to any criminal prosecution for any statement he made or any opinion he held or any campaign material he produced or possessed while campaigning in the referendum." While none of the cases detailed criminal prosecution, loss of employment because of association with a pressure group is in clear violation of the spirit of the freedom of expression and information as described in the first phrase of the regulation.

Reg. 37: Ethical Norms During Campaigning. Section 1 - The section prohibiting use of language which is "inflammatory, defamatory or insulting" is vague, and each side of the referendum question accused the other of being liars, of harboring guerrilla armies and other unpleasant remarks. This does not seem to be a serious problem, however, as both sides have been in violation, at least to some degree. Section 2 - A code of conduct was suggested by the United Nations and requested of the Referendum Commission (which is entitled to draw up and approve such a code) by members of all special interest groups, but was never published.

Reg. 40: News Broadcasts and Reports. The regulation requires that "Every special interest group shall have the right to have the substance of its campaign propaganda reported on radio news broadcasts of the MBC and any newspaper in circulation in Malawi." The print media, both the government, and the opposition, were published and distributed widely in urban areas throughout the registration and campaign periods. In contrast, the Malawi Broadcasting Corporation was in consistent violation of the spirit of Reg. 40, sections a and c, throughout the campaign.

- Section a: The requirement that "no person shall be reported or be heard in his own voice" was violated whenever the head of state addressed a public meeting, because the speeches always included an endorsement of the single party system. Not only was the President's speech broadcast, but the whole day's events pre-empted all other programming. Up to seven hours of songs, speeches and dances praising the President and the MCP and condemning multiparty advocates as warmongers and thieves, were broadcast live each time the President held a function. In the last month of the campaign, the President held at least seven rallies that monopolized the electronic media, and allowed MCP officials and supporters to be heard in their own voices.
- Section b: "The content of the news shall be professionally determined by the Malawi Broadcasting Corporation." This clause worked only against the opposition, as the MBC saw no obligation outside the Referendum Commission's voter education programming to provide balanced coverage of the daily events. The Referendum Commission, designated as a monitoring body of the MBC by regulation, in fact did not exercise any control over the content of the programming (outside its voter and civic education work) between the registration and campaign periods.
- Section c: The monitors consistently listened to the 7:00 news broadcasts on MBC. In no way did the MBC "maintain neutrality in the manner of reporting the news of the campaign period..." Only beginning late in April were pressure groups' meetings announced, and then without mention of the meetings' agenda. MCP meetings were consistently announced in advance, with meeting content reported after the events.

Opposition groups faced several obstacles that the MCP did not, including difficulty in obtaining access to government vehicles and public address equipment. Obtaining permission to hold public meetings was also unnecessarily difficult for much of the campaign, but improved in early May. Despite these obstacles, UDF and AFORD held meetings in all districts on a regular basis. Despite the MCP's significant advantages in these important areas and their organizational experience, pressure group meetings were generally much better attended than those of the MCP.

The level of interest in the referendum was very high throughout the country, and by the last few weeks of the campaign, public awareness and civic education efforts had reached even the most remote villages. Malawians appeared to be aware of the question posed on June 14, and most were well aware of the meaning of the two symbols. Confidence in the secrecy and security of the election increased with the well-publicized decision to use only one ballot box.

III. LONG-TERM MONITORING

IFES provided the UN Electoral Assistance Secretariat with four individuals to serve as monitors of the Malawian referendum process from April 23 until June 20, 1993. The monitors' tenure would achieve a number of objectives:

- increase the electorate's confidence that the referendum regulations would be respected and that any violations would be reported by credible, disinterested witnesses;
- ensure increased compliance with referendum regulations by all participants;
- increase the awareness of the international community of observance and violations of the regulations and internationally recognized rights and freedoms, providing an increased ability to respond diplomatically to such violations;
- report and record events prior to the referendum that would assist in international observer briefings as well as provide a basis for recommendations on future electoral processes in Malawi; and
- strengthen Malawian institutions and individuals dedicated to human rights, the rule of law, and grassroots participation in national political affairs.

The four individuals selected for the monitoring component came from diverse backgrounds and experiences. Sam Gibson, a staff member in Senator Paul Simon's office, had followed developments in Malawi for the past year. Christian Nadeau, a graduate student at Johns Hopkins School of Advanced International Studies, monitored local elections in Canada for several years. Ted Sneed and Susan Wynne returned to Malawi after serving as Peace Corps Volunteers there from 1964-66 and 68-70, respectively.

MONITORING ACTIVITIES - APRIL 25 THROUGH JUNE 13

Upon arrival in Malawi on April 25, the monitors were briefed by Dr. Robin Ludwig, Coordinator of the UN Electoral Assistance Secretariat and the Joint International Observer Group. Following a two-day orientation, the monitors were deployed to two of Malawi's three regions. In addition to the objectives described above, the monitors were requested to report on the conduct of the registration process, extended until May 8. Their activities included attendance at political rallies,

interviews with political leaders, monitoring of radio broadcasts and working with local police to investigate complaints regarding referendum violations. Each monitor was asked to request that persons with specific complaints fill out prepared forms including the name, location and date of the incident, plus any remedial or follow-up action taken.

During the first two weeks of the project, the monitors observed the registration process at over 100 sites in the Central and Northern Regions. Registration center visits were the main focus of observation activity in this stage of the referendum. Observers also met with District Commissioners, Members of Parliament, and church and political leaders. Topics for interviews included the interviewee's sense of the political climate, the process of registration, the assistance of registration workers, the role of monitors and information about local rallies. Returning to Lilongwe on May 9, the monitors debriefed with the JIOG coordinator. The monitor teams' written observations were submitted to the JIOG coordinator, who in turn made to IFES and representatives of the international donor community a confidential summary report on May 21.

Beginning on May 10, the monitors were redeployed for the duration of the project. Sam Gibson was stationed in Blantyre (Southern Region), Susan Wynne in Mzuzu (Northern Region), while Ted Sneed and Christian Nadeau remained in Lilongwe (Central Region). Their next assignment was to continue monitoring activities, this time focusing completely on the campaign and referendum process, investigating complaints as they were received. For the monitors in the Central Region, remaining in their original region allowed them to further develop relationships with persons interviewed during the registration period, obtaining more specific information and continuing reports. Susan Wynne provided the first continuous presence in the Northern Region. All of the monitors reviewed newspapers, more occasionally radio broadcasts, as these latter were mostly in Chichewa. During the month of May, Gibson and Wynne were the only international monitors operating in their respective regions.

As the date of the referendum approached, the JIOG coordinator recruited international observers from local relief agencies, from the UNDP and other foreign nationals. These observers, mostly

available on weekends, were deployed to observe rallies in Lilongwe and Blantyre. Christian Nadeau and Ted Sneed, the two IFES monitors in Lilongwe, assisted with the deployment, briefing and frequently the logistics coordination of the observers. As the international observers began to arrive, approximately ten days before the referendum, Sneed and Nadeau deployed them to the Northern and Southern regions, teaming them respectively with Gibson and Wynne. Each IFES monitor took on the responsibility of briefing and orienting new observers, determining areas for deployment, and reporting their findings to the JIOG. In the Northern and Southern regions, the continuous presence of IFES monitors meant that the Lilongwe base operation was constantly updated on events as they occurred throughout the country. The IFES monitors provided up-to-date information for new arrivals as well as Lilongwe-based members of the JIOG.

On Saturday, June 12, the IFES monitors returned to Lilongwe to brief the full international observer delegation, consisting of over 200 members. They were asked to give a summary of their activities to date, describing their experiences, reviewing the role of international observers, providing examples of observer technique, and identifying "trouble spots" within each region. As the delegation was grouped by district and region, the IFES monitors assisted with the deployment of each team where it was required. Each IFES monitor served as a Senior District Observer in the district where they were assigned. Senior District Observers, in addition to their regular observer duties, were responsible for deploying observers to polling stations within the district to observe the closing and counting process. Each Senior District Observer then spent the evening in the District Commissioner's office, watching the results as they were brought in from each polling station. The Observer reported the results at periodic intervals, if possible, to the JIOG office throughout the evening of the referendum. This procedure, combined with the quick-count procedure implemented by the UN, provided the Electoral Assistance Secretariat with data from which they extrapolated a projected vote total on Tuesday morning that varied less than one percentage point from the Referendum Commission's results, which were not announced until Wednesday morning. Those IFES monitors who were to be deployed outside Lilongwe left the city on Sunday June 13, returning to Lilongwe on June 17 for the national debriefing and issuance of the JIOG delegation statement.

The IFES monitors left Lilongwe beginning on June 18. Christian Nadeau remained in Lilongwe until July 3 to assist the Electoral Assistance Secretariat with the drafting of the JIOG final report.

REVIEW OF PROJECT OBJECTIVES

Increase the electorate's confidence that the referendum regulations would be respected and that any violations would be reported by credible, disinterested witnesses.

During the two-month duration of this project, the IFES monitors were able, through personal interviews and presence at political gatherings throughout the country, to develop relationships with the Malawian people. They responded to complaints regarding infractions of the regulations, transmitted those complaints to the UN coordinator, and saw those complaints addressed by the Referendum Commission, PAC and the PCD. They were also able to gain the trust of the voters, who from the beginning of the project expressed their relief that monitors were physically there.

Ensure increased compliance with referendum regulations by all participants.

The ongoing reports in the field from IFES monitors to the JIOG coordinator enabled her to make their observations known immediately to the Commission, PAC and PCD. In some cases, the monitors were able to overcome violations of the regulations simply by having the matter in question drawn to their attention. The information transmitted from the monitors regarding the awareness of the public about the voting procedure and related concepts was used effectively by the Voter Education Subcommittee of the Commission to improve the voter education program content.

Increase the awareness of the international community of observance and violations of the regulations and internationally recognized rights and freedoms, providing an increased ability to respond diplomatically to such violations.

By meeting formally and informally with members of the donor community in Malawi, the IFES monitors were able in many cases to express their concerns and their observations directly to the representatives. Their contact provided support to the JIOG coordinator's regular situation reports.

Report and record events prior to the referendum that would assist in international observer briefings as well as provide a basis for recommendations on future electoral processes in Malawi.

The IFES monitors remained in country for a total of two months, or 32 monitor-weeks - longer than any other observer or monitor. Their continuing presence enabled them to make essential contacts among political and government leaders in two regions not yet covered by the JIOG; to follow up their own observations and to make eyewitness reports of improvements; to enhance the knowledge of the entire observer delegation; and to quickly identify those areas of the country which would need the closest observation on Referendum Day.

While the monitors did not make specific recommendations regarding future elections in Malawi, their observations regarding the content of the majority of the Malawi Broadcasting Corporation's programming, in addition to notation regarding compliance with the referendum regulations highlight areas for improvement in coming elections.

Strengthen Malawian institutions and individuals dedicated to human rights, the rule of law, and grassroots participation in national political affairs.

The IFES monitors did not directly work with specific institutions or individuals or obtain their information in only one manner. It was through a combination of interviews in the office and at the water pump, meetings in the market and at meals, rallies and impromptu conversations that the monitors were able to hear the comments of Malawians of all ages and social levels. Their high level of visibility and recognition reassured large numbers of the electorate. Such "strengthening" as is described in this objective cannot be measured quantitatively; it may be assessed by reviewing the large numbers of people who continued to attend rallies, to demonstrate election procedures and

educate the public at rallies, to discuss issues that would have landed them in jail less than a year ago, and who showed up to vote.

Comments on Long-Term Monitoring Efforts

Long-term monitoring of a country's political process has been viewed in the international community as a luxury only the citizens can afford. The cost of keeping an international observer delegation of any size for a period much prior to or following the election is prohibitive for any one country. Nevertheless, the IFES monitors were able to counter the most outstanding criticism of the work of international observers - that of not being in the country long enough to make an objective decision about the election procedures. The IFES monitors were present and highly visible eight weeks prior to the referendum. All of their observations made during that time were transmitted on an ongoing basis to the pressure groups, the Government of Malawi and the Referendum Commission through the JIOG coordinator, making the presentation of those observations perhaps less abrupt and confrontational than an observer delegation statement released upon arrival and a final statement released just prior to departure.

Long-term monitors are a logical response component to the increasing importance of "free and fair elections" as a possible obstacle to foreign aid, increased ties, removal of sanctions, or other major foreign policy changes. The climate in which election-day oriented observation developed was one in which neither the concept of internationally acknowledged human rights, respect for the rule of law, nor any other contributing factors which create an atmosphere of fairness were in evidence. As the process of election observation became more refined, the countries' leaders refined the election process in their countries. By making "free and fair elections" the price for continued international support, the donor community gives many leaders the opportunity to acquiesce to, call and conduct elections that meet only empirical standards of freedom - often in an atmosphere that is hostile to free political activity until days before the election. If the international community requires an election and an atmosphere that is conducive to a free and fair election, it should also be prepared to enlist long-term assistance to achieve the second set of conditions as well as the first.

Long-term monitors can view the country's situation more objectively than can short-term observers. This does not necessarily mean that the monitors, by spending so much time in country, become involved in local political activity such that they can no longer make a nonpolitical judgement. They are in a good position to notice improvement in political conditions, such as freedom of movement or assembly or expression, during the campaign period. They may even be responsible, by their presence alone, for those improvements. In Malawi, the monitors did not control the process by their presence. No representatives of the MCP or any other interest group mentioned in interviews that its activities were significantly restricted simply because monitors were traveling throughout the country.

The IFES Project Manager debriefed with the monitoring team prior to its departure from Lilongwe. As this project was the first of its kind, the monitors were requested to make their own assessments of the value of the project. Overall, the monitors made the following observations and recommendations:

- The number of people on the long-term delegation should increase - depending on the size of the country, maybe to two or three people per large administrative unit. Frequently, monitors felt they were unable to cover the territory assigned to them.
- The tenure of the mission was felt to be adequate to the needs of the project. Frequently, monitors had to conduct interviews with the same people more than once before the interviewees felt comfortable enough to speak candidly. With some further initial information on what and who to look for, long-term monitors can make the most of the first ten days of their missions by setting up political and government contacts that will be increasingly useful as the election date approaches, especially as those contacts are unlikely to have much free time right before the election.
- Long-term monitors may be asked, by virtue of their value as a practical resource, to assist in deployment and logistics arrangements of later-arriving observers.

IV. VOTER EDUCATION

IFES was requested to assist the National Referendum Commission in developing a comprehensive voter and civic education program to reach all segments of the Malawian population with essential information about the question on the ballot, about voting and about the fundamentals of democracy. To carry out this component of the project, IFES selected Eugenie Lucas, a former Foreign Service Officer who implemented the IFES Civic Education in the Comoros as well as serving on an election observer delegation to Congo last year. Her scope of work assigned to her the following tasks:

- work directly with the Referendum Commission chairman and Executive Committee to develop a broad outline of voter education campaigns;
- administer a budget of \$45,000 in IFES funds to be used during the campaign; and
- assist in the design, production and distribution of video, audio and print education materials for use in the government's voter education campaign.

BACKGROUND

Even in countries where nonpartisan civic education institutions exist, the government is responsible for providing the voter with essential information about the nature of any electoral exercise. The Malawi government had this responsibility, as well as the duty to inform its citizens about the general implications of the question to be decided. In the case of the Malawi referendum, the United Nations assessment reports stated that unbiased information should be disseminated as part of a voter education campaign conducted under the auspices of the Referendum Commission. A voter education campaign to provide unbiased information about the nature of the referendum and about the general implications of the question to be put before the voters was thus a crucial element for a free and fair referendum in Malawi.

The UN reports emphasized the importance of establishing an independent Referendum Commission as a "critical characteristic" in enabling the government to carry out the function of administering the referendum process with integrity and without bias or the appearance of bias. Once appointed,

the Referendum Commission was to have been empowered with complete authority in the administration of the registration and referendum processes.

The Malawi National Referendum Commission was created by presidential decree on February 5, 1993. Most of the twelve members appointed by the president to the Referendum Commission were well-known members of the Malawi Congress Party (MCP). McDonald Banda, Secretary of the Commission, continued concurrently to serve as Secretary to the President and Cabinet. When the Public Affairs Committee (PAC) threatened to suspend the referendum negotiations because of the apparent bias of the Commission, eight additional members representing AFORD and UDF were appointed. The Referendum Commission's mandate was to provide general direction and supervision over the conduct of the referendum. However, the Referendum Commission was perceived by most Malawians from the date of its creation as ineffective, powerless and not entirely independent of the President. Several major decisions had been taken by the chairman of the Commission without consulting the members of the Executive Committee, most notably the decision not to allow members of the armed forces to vote in the June 14 referendum. The Commission did not intervene in or arbitrate the dispute over the number of ballot boxes to be used in the referendum. As the referendum date approached, the opportunity for the UN Election Assistance Secretariat to take a more active role in such areas as codifying the amendments to the referendum regulations or identifying and procuring election equipment allowed the Commission to simultaneously take a more passive role in the administration of its own referendum, although it may be argued that the increased registration figures combined with the delay of the ballot box decision presented the Commission with tasks sufficiently formidable to prevent it from organizing the referendum on June 14 without the UN's assistance.

In the area of voter education, the Referendum Commission was charged with the following responsibilities:

- Establish, in consultation with interested parties, a code of conduct for persons conducting public information campaigns on the issues to be decided by the referendum, and to monitor adherence to that code of conduct by all participants; and to

- Establish and monitor a policy of equal access to media outlets, particularly the government radio station, by proponents of both sides of the referendum question.

As of the end of April, little had been done in the area of voter education, nor had any concept of how the Referendum Commission should carry out its responsibility of implementing a voter education campaign been developed. One unwritten, important objective of IFES' participation in the referendum process in Malawi was to empower the Referendum Commission (to the extent possible) as an independent and effective body responsible for the administration of the referendum. One means of empowering the Commission was to put the resources of the IFES project - the consultant and the budget - at the disposal of the Commission.

When Lucas arrived in Malawi on 25 April, the Referendum Commission had met only infrequently. The Chairman was traveling abroad and the next meeting was not scheduled until May 4. Dr. Robin Ludwig, arranged for Lucas to attend meetings between the PAC, the donor group and the PCD. She also met McDonald Banda, the Secretary of the Commission. The PAC announced at the donor group meeting on April 26 its intention to boycott the referendum if the government continued to insist that two ballot boxes be used in the referendum.

Lucas attended another donor group meeting on April 29 and presented an outline for a civic education campaign, modeled after a similar IFES program in the Comoros Islands. She briefed the representatives of the donor countries on the meeting with Mr. Banda as well as on the use of radio, posters and flyers and a traveling theater troupe as a means of conveying important messages on the referendum, with emphasis on reaching people in the rural areas.

On May 4, Lucas met and briefed the 20 members of the Referendum Commission and proposed a working outline for a voter education campaign which relied extensively on radio, which reaches the majority of the Malawian population. She recommended that a Commission working group consisting of representatives of each of the special interest groups be named to a voter education Subcommittee. She also requested that the General Manager of the Malawi Broadcasting Corporation

(MBC) be appointed to the Subcommittee to facilitate access to and to serve as a liaison between the MBC and the Subcommittee on voter education.

PROJECT DESIGN

Mr. Andrew Hamisi (AFORD), Mr. Matiya Msosa (AFORD), Mr. Sam Mpasu (UDF) and Mr. Nyemba Mbekeani (MCP), all members of the executive committee, were named by the Referendum Commission to serve on the voter education Subcommittee. The first of a series of meetings of the Subcommittee was held on May 6. IFES assumed the transportation and per diem expenses for each Subcommittee member to meet with Lucas. Henry Chirwa, General Manager of MBC, was also present. He assured the members of the Subcommittee that they would have total access to MBC. A format and topics for several panel discussions, as well as a concept for a jingle and radio drama, were developed at this meeting.

Lucas presented several ideas regarding the dissemination of referendum information to the Voter Education Subcommittee of the Referendum Commission. One idea was the retention of a playwright to compose a drama that could be performed by a traveling theater group. A second idea was that some of the current radio programming directed at women include, on a temporary basis, information on the referendum. Neither of these ideas were encouraged by the Commission, which commented that the audience that either idea would attract was not worth the expense. This sentiment as expressed by the Commission left IFES with the decision either to comply exclusively with its scope of work (financing only those activities developed and sanctioned in cooperation with the Referendum Commission) or to deviate from this direction.

The main definition of a voter education effort is that it is a series of activities sponsored by a country's government, designed to provide basic information on the electoral process. In contrast, a civic education effort may be defined as a series of activities which provide information about citizens' roles in a democracy. While the IFES scope of work specified voter education, the Project Manager noted that some of the information sanctioned by the Commission and disseminated by the

project (such as sponsorship of radio debates) carried civic education overtones. In addition, the ideas cited above, rather than attracting the wrong audience, serve in IFES' experience to institutionalize the value of citizen participation in groups that have previously been overlooked and/or marginalized. For this reason, the Project Manager, after consultations with USAID/Malawi and IFES/Washington, included in the voter education budget a line item entitled "Other Project Activities" and encouraged Lucas to seek out such opportunities. As a result, IFES financed the production of a traveling theater piece, as well as radio programming which specifically addressed the meaning of women's participation in the political process. Ultimately, while the efforts directed at women's participation were implemented through the Referendum Commission, the theater production was neither endorsed nor designed in cooperation with the Commission.

PROJECT IMPLEMENTATION

Radio

Lucas met regularly with the Voter Education Subcommittee of the Commission, presenting several possible topics around which a series of programs would be developed, recorded and broadcast on Malawi Broadcast Corporation (MBC) radio. Since most of the members were not connected with the MBC, she, the Subcommittee and the MBC General Manager reviewed the previous programming, determined subsequent program themes, and drew up guidelines for the radio drama segments to be conducted in a roundtable discussion format. Programs were produced on the following themes:

- The Referendum
- Secrecy of the Ballot
- The Role of the Security Forces
- The Role of Monitors and International Observers
- Symbols and Their Meaning
- Casting Your Ballot on June 14

The format of the show consisted of a panel discussion with the four members of the Referendum Commission's Voter Education Subcommittee responding to questions on one of the themes. The

discussions were recorded in both Chichewa and English, for broadcast at prime time, following the evening news. Listeners were invited to send in questions at the end of each program. As of June 13, the MBC had received approximately 50 letters from listeners asking questions pertaining to a wide range of issues on the referendum.

Radio dramas on the same theme as each panel discussion were taped and broadcast in "Pa Majiga," a popular drama program, as a means of reinforcing the message. The Subcommittee controlled the content by providing a written outline of the issues to be dramatized prior to each recording.

A drama bringing together all of the above themes was commissioned to be aired the final week before 14 June. Isaac and Jacob, a drama group which had performed a number of radio skits for UNICEF on family planning, was selected to write and perform a twenty-minute radio drama on the referendum. The drama provided an explanation of the one-party and multiparty systems of government and emphasized the following themes: (1) secrecy of the ballot, (2) the use of ink and other precautions against election fraud, and (3) voting procedures. It concluded with a message encouraging people to vote their conscience.

A sixty-second jingle was developed and broadcast in Chichewa during peak listening times throughout the day. The content and final production of the jingle was approved by the members of the voter education Subcommittee. The jingle, aired four times daily from the period June 1 through June 12, went as follows:

*Malawians, this is your chance to choose the system of government you want.
Do you want a one-party system of government?
Or do you want a multiparty system of government?
Ladies and gentlemen, you have the freedom of choice to choose the system of government
you want.
Preferences differ; a lizard liked the veranda [reference to Chewa proverb].
Vote Wisely.
This is your chance to choose the system of government you want.*

Following are the dates and times of MBC broadcast of civic education programs:

"Talking Point," Chichewa, May 20 at 2025
"Talking Point," English, May 21 at 2110
"Pa Majiga," Chichewa, May 25 at 1745
"Pa Majiga," Chichewa, May 26 at 0545
"Pa Majiga," Chichewa, May 26 at 1745
"Pa Majiga," Chichewa, May 27 at 0545
"Talking Point," Chichewa, May 26 at 1910
"Talking Point," English, May 28 at 2110
"Talking Point," English, June 6 at 1810
"Isaac and Jacob," Chichewa, June 7 at 0700
"Isaac and Jacob," Chichewa, June 8 at 1930
"Isaac and Jacob," Chichewa, June 10 at 0730
"Isaac and Jacob," Chichewa, June 11 at 0730
"Isaac and Jacob," Chichewa, June 12 at 0615
"Talking Point," English, June 12 at 1000
"Talking Point," Chichewa, June 12 at 1500

Woman-Oriented Programming

The MCP mobilized support among women through the party's women's organization, the Chitukuko Cha Amai M'Malawi (CCAM). The CCAM was created ostensibly to teach women crafts and other skills. One of its main functions, however, has been to organize the thousands of women, called *mbumbas*, who sing and dance the President's praises during public appearances and at political rallies.

The PAC has alleged that school authorities have threatened pupils with loss of their place in school if their parents did not vote for the continuation of the MCP. Such subtle threats were directed primarily against women, mainly in the rural areas, to intimidate them into voting for a continuation of the one-party system.

The University of Malawi radio listenership survey found that, despite the fact that females actually outnumbered males 51% to 49%, a larger percentage of men were regular listeners of MBC than women. The survey of listenership also found, however, that one of the most popular programs on

MBC listened to by both men and women was Zokonda Amai, the women's program. Lucas worked with the MBC General Manager to ensure that at least one of these programs was designed specifically to address the issues of particular concern to women, emphasizing the importance of women as a voting bloc. Lucas and the Subcommittee designed a message which aimed to: (1) clarify the distinction between a one-party and a multiparty form of government, (2) disabuse women of the notion that the referendum was a vote for the CCAM, and (3) encourage women to vote freely for the system which best represented their interest. The program, scheduled to air during the week prior to the referendum, was pre-empted and replaced on June 8 with a re-run of "Isaac and Jacob".

Town Hall Meetings

Despite the wide coverage given to objective, referendum-related programming, many Malawians were accustomed to simply tuning out the MBC as a propaganda tool. Lucas and the voter education Subcommittee conducted public meetings in all three regions the final week before the referendum. Public service announcements were aired on MBC informing the public of these meetings and inviting them to attend. IFES financed the travel costs of the town hall meetings for each Subcommittee Commissioner. The town hall meetings were approved by the entire Referendum Commission and organized through the offices of the District Commissioners in the following locations:

Monday, June 7 in Nchalo at the Open Football Field

Wednesday, June 9 in Mzimba at the Community Football Field

Thursday, June 10 in Mponela at the Community Center

The meeting in Mponela was cancelled as the District Commissioner failed to arrange a public address system.

These public meetings provided Malawians with an alternative to the MBC programming, particularly during the final week of the campaign, during which an inordinate amount of MBC coverage was devoted to the president's travels and MCP political rallies.

The four members of the voter education Subcommittee each gave a presentation on a referendum-related issue of his choice. These were usually on ballot security, voting procedures, penalties for infraction of the referendum regulations and the meaning of the two symbols. In addition, the Subcommittee conducted vote simulations using the equipment provided for the referendum. Following the presentations, one member acting as the moderator would invite questions from the audience. While concerns varied by audience and by region, the questions most often asked related to ballot secrecy, personal security on referendum day, and occasional questions of a political nature which the Subcommittee declined to answer. All of the town hall meetings were conducted in Chichewa.

The public meetings drew large crowds (1,000 in the South; approximately 1,500 in the North) and provided an opportunity for the Referendum Commissioners to take their message directly to the voters. It also provided an opportunity for the public to bring issues and problems to the attention of the Referendum Commission. This dialogue strengthened the reputation of the Referendum Commission as a body committed to presenting the referendum issue as clearly as possible. The public meeting at Nchalo, for example, presented a forum for the workers at the Sucoma sugar factory to discuss a problem in the registration procedures which had affected many of the factory's 5,000 employees. The employees had been on vacation during the registration period and therefore had registered in their home districts. Since the day of the referendum was not a public holiday, many of the workers were unable to travel the long distances from Nchalo to their home districts to vote. The District Commissioner, who was present, agreed to issue transfer certificates to allow the employees to vote at polling stations in Nchalo.

Flyers and Posters

Lucas designed posters and flyers with educational messages which were approved by the full Referendum Commission. Sixty thousand posters with the cock and the lantern, the registration certificate, and the message in Chichewa, VOTE IN THE NATIONAL REFERENDUM ON 14 JUNE, were printed for the Referendum Commission (Appendix C). Posters were distributed by

the Ministry of Information through their normal distribution channels - the District Commissioners and Information Officers in the various districts. The Referendum Commissioners requested that the posters be displayed in hospitals, post offices, schools, markets and other public places.

Once the government made the decision to use one ballot box, some means had to be devised for informing the voters of the steps to follow in casting a ballot. Working with an artist in Blantyre, Lucas designed a flyer showing the voting procedure using a one ballot box system with captions in Chichewa (Appendix C). Three hundred thousand flyers were printed and distributed equally to the leadership of UDF, AFORD, MCP and PAC for distribution at political rallies, church services and through government channels of distribution. Flyers were also distributed at the public meetings on voter education held by the Commissioners.

Since the print media reaches primarily the well-educated, urban elite, which comprises only 25% of the population, less emphasis was placed on newspapers as a means of disseminating information on the referendum. Articles reflecting the various political perspectives on the question of a single-party versus a multiparty system of government were regular features in the independent as well as government-controlled newspapers. Nevertheless, a number of people stressed the importance of including the print media as part of a civic education campaign. The Referendum Commission Subcommittee on Voter Education held a press conference with the Association of Journalist in Malawi (JAMA) on May 28. The hour-long press conference was aired in its entirety on MBC on Tuesday, June 1.

Traveling Theater Troupe

According to a survey on radio listenership conducted by the Center for Social Research of the University of Malawi in August 1992, only 35% of households in the country had one or more radio receivers. This translated into 2.8 million listeners with direct access to radio. An earlier survey conducted in 1971 found that, at that time, as many as one-third of all radios in the rural areas were inoperable.

Though radio reaches a large proportion of the population, there remains a significant percentage of people in the villages who do not own radios or whose radios are inoperable and who, therefore, could not be reached by a radio voter education program. Reaching this segment of the rural population with a civic education campaign would require more traditional means of communication.

Upon her arrival, Lucas was referred by one of the UNEAS logistics assistants to a small theater group. She discussed with them the concept of creating and performing an educational drama in as many of the 24 districts as possible in the two weeks remaining before the referendum. Du Chisiza, Jr., the 1992 national "Entertainer of the Year," and the director of Wakhumbata Ensemble Theater, a popular performing group, was engaged to write and perform the play, covering themes Lucas devised: the right of each person to make his or (especially) her own decisions, the meaning of the referendum, secrecy of the ballot, the role of the security forces, monitors and international observers, symbols and their meaning, and how to cast a ballot on June 14. IFES reserved the right to review and edit the play, to ensure an evenhanded treatment of the issues, which it exercised as the voting procedures became definite. IFES financed the production and travel costs of the troupe; Mr. Chisiza was responsible for locating the space. The resulting production, about an hour and a half long, featured an old man who rather blindly favored the multiparty system, his young impudent son, an objective, informative teacher, and the old man's MCP-oriented wife. Using humorous exaggerations of common assumptions about women, children and politics, the characters raised and dealt with issues regarding the referendum, including the inflammatory statements made by supporters of both sides of the question.

As stated in the Project Design section, the idea of a traveling theater group disseminating a civic education message was not endorsed by the Commission. The messages that the group portrayed could be construed to have exceeded a government's obligation to provide basic election-related information to its citizens. Moreover, the director of Wakhumbata Ensemble Theater, in addition to his national recognition as "Entertainer of the Year", was infamous for his outspoken political views. Understandably, the Referendum Commission would have been reluctant to associate itself

in any way with the group, whose intentions and subsequent theatrical production were objective, but whose members could quickly be associated with one side of the referendum question.

Given the time and logistical constraints, the troupe decided to concentrate on areas with the largest percentage of rural voters. The Wakhumbata Ensemble Theatre performed "Referendum, My Right To Choose" before large audiences in the following locations:

Thyolo - May 27th
Zomba - May 28th
Balaka - May 30th
Mchinji - May 31st
Lilongwe - June 1st
Kasungu - June 2nd
Mzuzu - June 3rd
Chilumba - June 5th
Karonga - June 6th
Mangochi - June 9th
Blantyre - June 10th
Mwanza - June 10th
Ntcheu - June 11th

A few hours prior to each show, the cast members posted announcements in the towns. Even on such short notice, each performance attracted at least 700 people. Some performances took place in old warehouses; others in amphitheaters. No admission was charged.

One performance in particular was scheduled for the evening of June 10 in Dedza. After the play began, members of the local police interrupted the performance. The police reasoned that the performance constituted an unauthorized political rally. The play was allowed to resume after the police referred the matter to the District Commissioner, who relayed it to a member of the Referendum Commission, who had no knowledge of the play. Mr. Chisiza invited the police to watch the performance, asking the audience after the play concluded whether what they had just witnessed was a politically slanted message. The audience emphatically denied that that was the case.

GENERAL OBSERVATIONS

The members of the civic education Subcommittee - Sam Mpasu, Andrew Hamisi, Matiya Msosa, Nyemba Mbekeani and the Very Rev. Killion Mgawi - were sincere in their commitment to collaborate with Ms. Lucas and to educate the voting public on the issues pertaining to the referendum in a manner which was balanced and nonpartisan. They were totally involved in the voter education campaign from beginning to end. Despite the time constraints and other impediments, IFES successfully implemented an intensive four-week voter education campaign under the auspices of the Referendum Commission.

Likewise, the Referendum Commission as a whole was extremely supportive of this endeavor. Mr. McDonald Banda and Mr. David Bandawe, the Referendum Supervisor, in particular, deserve special mention for their cooperation and assistance.

The General Manager of MBC, Henry Chirwa, was very cooperative and offered the members of the Referendum Commission and the Subcommittee complete access to radio. However, the content of all programming as well as the broadcast times remained under the control of MBC. There was no permanent time slot for broadcast of voter education programs, which made regular listening impossible. Programming on voter education was often preempted by coverage of MCP rallies. During the final week of the campaign, MBC programming was devoted almost exclusively to coverage of MCP rallies and presidential visits to the various regions. This coverage was broadcast uncensored, despite its clearly political and partisan nature. There was no attempt on the part of MBC throughout the registration or campaign periods to distinguish between factual, balanced coverage of the issues and political propaganda.

Outside of the programming initiated by the Subcommittee and IFES, the MBC provided little balanced, impartial discussion of the issues being put before the voter on 14 June. No effort on its part was made to present opposing points of views to continued partisan coverage. In fact, MBC officials were so reluctant to allow a discussion of the MCP slogan that multiparty politics leads to

war - an issue discussed at length by members of the Referendum Commission during the taping of one of the panel discussions - that that part of the discussion was deleted from the program by MBC in both the Chichewa and English versions of "Talking Point," which aired on May 26 and 28, respectively.

Overall, however, it was generally agreed that allowing the members of the Referendum Commission access to MBC for purposes of civic and voter education was a major breakthrough. Henry Chirwa, the General Manager and Verson Idi, who served as the producer and moderator of "Talking Point," deserve special mention for sharing their considerable knowledge and expertise of the broadcast media in support of the voter education campaign.

RECOMMENDATIONS FOR FUTURE ACTIVITIES

Once a decision is reached on the process for a transition to multiparty democracy, an ongoing civic education campaign is necessary to inform all Malawians on a broad range of topics including the meaning of multiparty democracy, information on the procedures for revising the constitution, the responsibilities of political parties, their formation and function, and the procedures for voting in future presidential and parliamentary elections.

Freedom of the press is a fundamental element of a democratic nation's underpinning. Broadcasting power is a weapon which, in the case of Malawi, has always been a propaganda tool of the Malawi Congress Party. The MBC, however, is the most effective means of reaching the majority of the population with any voter education campaign. An agreement on the creation of an impartial, multipartisan body to oversee the operations of MBC should be reached before any future elections take place. An independent media commission could be established by representatives of PAC and the PCD during the current transition process to begin drafting a charter which mandates and protects the independence and integrity of the MBC. At the time of this writing, it was uncertain whether any member of the Referendum Commission would be nominated to serve as part of the body that administers general elections. IFES suggests that the government of Malawi make the most use of

its referendum experience by re-nominating those members who participated on the voter education Subcommittee, if there are no objections to those individuals.

Once a permanent Electoral Commission has been established, it would be useful to have a consultant work with the commission to establish rules and regulations governing the formation of political parties, establishing guidelines and standards of conduct for political parties and other ballot access issues.

REVIEW OF PROJECT OBJECTIVES

Work directly with the Referendum Commission chairman and Executive Committee to develop a broad outline of voter education campaigns.

IFES successfully suggested the creation of a Subcommittee, including members of the Executive Committee, specifically charged with the implementation of the voter education project. This Subcommittee functioned as Lucas' primary counterpart throughout the referendum period. The outline of the voter education campaign was presented on May 4, following discussions with the Secretary of the Commission, representatives of PAC and PCD, and the donor community. All of the elements of the project, with the exception of the theater group production, were endorsed by the Commission. The campaign and its information reached the majority of Malawians of all intellectual levels through radio, posters or town hall meetings.

Develop a budget for \$45,000 in IFES funds to be used during the campaign.

The IFES Voter Education Program Budget was developed and revised according to the types of programs that the Referendum Commission wished to produce. Approximately \$21,400 of the budget was spent on printed materials, \$11,400 on the traveling theater production and the rest for the per diem and transportation expenses of the Subcommittee.

Assist in the design, production and distribution of video, audio and print education materials for use in the government's voter education campaign.

IFES was successful in producing educational print materials and posters in a period constrained by the delayed ballot-box decision. No video materials were developed, as Malawi has no television service, and consequently few citizens in possession of a TV. However, the largest contribution that IFES made to ensuring that the Malawians knew when and for what they were voting was its work with the voter education Subcommittee with the Malawi Broadcasting Corporation. Those members of the Referendum Commission who worked on the MBC programs were able to introduce elements of a new style of broadcast journalism to a government radio station. It is hoped that future programming will increase in diversity and objectivity in coverage.

V. POLLWORKER TRAINING

BACKGROUND

The pollworker training component of the IFES technical assistance project was implemented from May 4 through June 20, 1993. Four trainers traveled to Malawi to conduct an intensive series of training sessions from May 28 through June 8. Mariela Lopez, the lead trainer, and Laurie Cooper, the Project Manager, arrived in Malawi on May 4. Juan Rial, a Uruguayan electoral systems specialist, and George Smith, the Returning Officer for Somerset District Council in the UK, came to Malawi on May 17 and May 23, respectively. The team was assigned the following tasks:

- Train a core group of 80 to 100 trainers in their basic duties, as outlined in the Electoral Law;
- Provide assistance in training techniques;
- Develop simple training materials that may be used in conjunction with the Electoral Law;
- Ensure that an adequate representation of women among the core training group is achieved;
- Identify a need for and conduct all-female trainings as necessary; and
- Travel with core trainers as they conduct regional trainings, offering advice on training techniques as appropriate.

At the time of the team's arrival, the pace of the referendum process was disturbingly slow. As stated in the Introduction, the stalemate occurred when the PAC, supported by the UN Assessment team's recommendations, threatened to boycott and effectively cancel the referendum unless the PCD agreed to the use of only one ballot box. The PCD, feeling that it had already made enough concessions to opposition pressure groups, was unwilling to take this final step. The February referendum regulations clearly provided for two ballot boxes to be used. Compounding this delay was the fact that the Referendum Commission was not scheduled to meet as a body until May 18, as it had just convened and recessed the day before the team's arrival. This missed opportunity meant that a large part of the training design would have to be developed outside the meetings of the Commission and presented as a project to be approved or rejected.

Upon arrival in Malawi, the trainers were briefed by IFES monitors, Eugenie Lucas, the UN Electoral Assistance Secretariat and USAID Project Officer Tom Lofgren.

PROJECT DESIGN

Between May 4 and May 8, the pollworker training team met with Mr. David Bandawe, Referendum Supervisor, to discuss project objectives and to develop a schedule for training. Mr. Bandawe was requested to provide IFES' pollworker trainers with the information required to develop training strategies and materials. The general outline of the training program, modeled on the IFES cascade training methodology, consisted of the intensive training of a small group of election workers who would in turn train other election workers in the time remaining before the referendum. The trainers developed a tentative schedule to meet with the twenty-five District Commissioners throughout Malawi with the purpose of discussing and designing the training project, beginning the following week.

By May 10, the ballot box issue was no closer to resolution. Key amendments to the referendum regulations, such as the change of the vote counting location from the District Commissioner's office to the polling station, were not yet officially approved or gazetted. The training team experienced considerable difficulty in project design because of these delays.

The trainers met again on May 10 with Mr. Bandawe. He had been unable to make the necessary arrangements for the team to travel throughout Malawi during the week. The team decided to travel to Blantyre to meet the local District Commissioner and to thereafter make its own arrangements with individual District Commissioners, advising Mr. Bandawe as appropriate. The team also decided to begin drafting the training manual, based on the current regulations and unofficial comments from the Referendum Supervisor on the anticipated amendments. Meanwhile, as a result of a visit of a special envoy from the UN, sent to meet with the President, the Referendum Commission and PAC/PCD during the second half of that week to negotiate an end to the ballot box stalemate between the PAC and the PCD, the PAC boycott deadline was informally extended to May 23.

Thomas Kevorkian, a consultant with the National Democratic Institute, arrived mid-May to implement a local monitor training program. The IFES team and the JIOG briefed him of the current overall situation, the needs that the team anticipated that local monitors were going to have in terms of their training and the impact that monitors could have on pollworker performance on Referendum Day. All parties agreed to keep each other informed about their activities.

The pollworker training team attended the Referendum Commission meeting convened on May 18, one day after the ballot box announcement was made. With almost the entire Commission present, the team outlined the three components of the IFES project. The Commission recognized the need for more information to develop regulations for this new style of voting and requested that the IFES training team provide it. Several of the team's suggestions appear later in this section. While the team was not allowed to remain for the entire meeting, it felt confident enough to reschedule the meetings with District Commissioners, to finish drafting the manual and to plan the training phase. The team stated to Mr. Bandawe that the training manual would be ready for review and approval by the Commission on May 24.

The team rescheduled its meetings with District Commissioners, working through the three Regional Administrators for the Northern, Southern and Central Regions. Briefing sessions with the District Commissioners in each region were conducted on May 20 in Blantyre and in Mzuzu on May 21. The meeting in Central Region took place on May 26.

Training Session Layout. With little time remaining before the referendum, the pollworker training team made several modifications to the project. First, the length of the training sessions was reduced from three days to one six-hour day. Second, the target number of core trainers was increased from 100 to 400. The training sessions were defined as a one day program to be conducted by the four trainers in all districts. The District Commissioners had expressed their interest in having all Presiding Officers trained by IFES, a total of approximately 1700 people. However, the IFES team decided that each of the four trainers would be responsible for training up to 20 core trainers (with a limited flexibility in session size, depending upon the number of people with whom each trainer

felt he or she could effectively work) in 6 or 7 districts. The core trainers would be selected by the District Commissioners, who were responsible for nominating all of the Presiding Officers in their respective districts. The IFES trainers would work simultaneously in the three different regions. The responsibility for training the remaining Presiding Officers (based on the final figure of polling stations) would be that of the District Commissioners and those Presiding Officers designated as trainers.

Documentation/Materials Design. The bulk of the project budget was devoted to producing a comprehensive training manual, whose production and wide distribution was the priority of the training project. The training manual, given the absence of revised referendum regulations, was the only source of referendum procedures to polling staff. This absence provided an opportunity for IFES trainers to make suggestions regarding the voting procedure to increase secrecy and the efficiency of the process.

George Smith, the fourth pollworker trainer, arrived in Lilongwe on May 23. Over the next two days, he and the rest of the team refined and augmented the training manual, presenting more issues for clarification by the Referendum Commission. The final draft of the training manual including the illustrations was presented to the Referendum Commission on the morning of May 25. As the amendments to the referendum regulations had still not been ratified or gazetted, the training manual was approved to be the official Presiding Officers' Manual, to be used as a model by the Commission as it developed the amendments to the referendum regulations.

PROJECT IMPLEMENTATION

The IFES team briefed Dr. Ludwig of the UNEAS on the questions that had arisen during the team's meetings with the District Commissioners, asking that she bring them to the attention of the Commission. These issues, still unresolved one month before the referendum, needed to be addressed before the training manual was completed and the training sessions began. The main issues, with the Commission's responses, are raised below:

- How would voters' registration certificates be handled? How would multiple certificates, presented by one voter, be dealt with? IFES recommended that they be returned to the voter after he or she cast a ballot. The Referendum Commission decided that all certificates (and their duplicates) would be kept by polling officials.
- When should ink be applied to the voter's finger to prevent him or her from voting a second time? IFES recommended that this procedure take place after the vote had been cast. The final decision was that the inking procedure would take place prior to voting, to reduce the possibility of a voter leaving the polling station without the benefit of ink.
- How should ballot papers be packaged and controlled? IFES recommended that the ballots be bound as books, perforated at the counterfoil margin and in the center, with a serial number on the counterfoil. The Commission decided to print the serial number on the ballots themselves as well as on the counterfoil.
- How should the official distributing ballots issue them to the voter? IFES recommended that the two ballots should be separated as one piece from the counterfoil, then given to the voter to separate the ballots from each other. Based on the language used in the President's speech regarding the voting procedure, the Commission directed the officials themselves to separate the ballots before handing them to the voter.
- How should the voter dispose of the ballot with the choice that he or she does not favor? The IFES team recommended that voters be instructed to tear up the ballot that they did not favor before depositing it in the discard box. This procedure would ensure, in part, that voters made an active decision about the choice they favored. It would also reduce the number of discarded papers visible to any voter who cared to look through the slit in the discard box. The Commission directed that voters should be instructed only to place the ballot with the symbol that they did not favor into the discard box. (Most pressure groups suggested that voters tear the discard ballot nonetheless.)
- How should results from polling stations be communicated to the district level? IFES suggested that officials use phones to call in their results, bringing the election materials later, to speed up the overall reporting process. The Referendum Commission discouraged the use of any electronic transmission of the results, thereby delaying the release of even partial results until the Commission was ready.
- IFES further recommended that the results of the poll be recorded at each station on an Official Report Form. The training team developed a prototype form, including a certification of receipt of equipment (to be signed on the day that the Presiding Officer picked up the equipment); the opening and closing times of the station; record of results and of incidents, complaints and the final decisions. This form was accepted and a facsimile printed for distribution to each polling station.

During this week, the UN agreed to solicit donor contributions based on the procedures presented in the training manual. Approval of the manual was therefore the condition on which the UN would seek election equipment assistance. Final approval was communicated verbally to the IFES team by Mr. A.K. Tembo, the Referendum Operations Secretary, on the evening of May 27 with a written confirmation received on the 28th. With Mariela Lopez and Juan Rial already in Blantyre ready to begin training sessions the next day, the camera-ready arts were taken to the printing facilities for production. Supervision of the darkroom work was done on Friday night so that printing could start immediately.

A poster depicting the voting procedure in panels was produced under IFES supervision. This document was designed for distribution to all polling stations as a reference tool that election workers could use on the referendum day in explaining the procedure. In addition, George Smith developed an outline with suggested topics and techniques for each training session participant to use in organizing his or her own training sessions.

Training Session Implementation. IFES trainers prepared simulation kits to set up a polling station for each trainer to use in the field. The kits included ballot boxes, ink jars, ballots and envelopes, and models of the Official Report and Register. The trainers conducted sessions according to the following schedule:

FINAL SCHEDULE FOR MAY 29 - JUNE 7

<u>Date</u>	<u>Trainer</u>	<u>Location</u>	<u>#Centers/Stations</u>	<u>#Trainees/Women</u>
May 29	Lopez	Machinga	107/344	104/4
	Rial	Mangochi	108/394	109/3
May 30	Lopez	Blantyre	94/315	20/3
	Rial	Mwanza	59/98	49/3
May 31	Cooper	Chitipa	78	18/2
	Lopez	Thyolo	78/223	79/6
	Rial	Mulanje	91/231	120/6
	Smith	Dowa	86/230	20
June 1	Cooper	Karonga	140	45/0
	Lopez	Chikwawa	70/215	63/2
	Rial	Nsanje	57/127	42/3
	Smith	Salima	47/116	20
June 2	Cooper	Rumphi	108	20/0
	Lopez	Zomba	88/301	85/4
	Rial	Chiradzulu	57/121	20/1
	Smith	Nkhotakota	80/164	20
June 3	Lopez	Ntcheu	103/186	20/2
	Smith	Ntchisi	59/83	20
June 4	Cooper	Mzuzu	135	20/3
	Lopez	Dedza	90/223	94/0
	Smith	Kasungu	104/271	61
June 5	Cooper	Nkhata Bay	135	20/2
	Lopez	Lilongwe	198/653	20/3
	Smith	Mchinji	71/225	23
June 7	Cooper	Mzimba	210	110/4

The standard procedure on training session days was for the trainers to meet with the District Commissioner for a few minutes to explain the session agenda. Following the meeting, the DC and trainer would proceed to the location of the training. While individual training sessions differed slightly according to each trainer's style, the notes prepared for Presiding Officers ensured consistent introduction of concepts, simulations, and question-and-answer periods.

Each District Commissioner was notified at least one week prior to the training sessions that IFES would assume per diem and travel costs for only 20 participants. Despite this information, several DCs invited between 30 and more than 100 participants. Many expressed their reluctance to select, therefore show favor to, a small group of the total number of Presiding Officers within their districts. The IFES team and the DCs agreed that any additional trainees would be present to observe the sessions, participating to a limited extent. The amount of money budgeted for each session could then be issued as a lump sum or divided equally among the twenty participants. The IFES trainers each had different experiences working with large versus small groups. Frequently, the enthusiasm and spirit of cooperation in any one training experience were determining factors of the success of the sessions.

The number of female trainees, as can be seen from the preceding schedule, was consistently low. No training session included more than five women. While the trainers' mandate included identifying and training groups of women, it found as a whole that the selection of Presiding Officers had already been made, reducing IFES' possible influence in that area. However, the large number of registered voters created a need for thousands of additional polling stations and staff. On referendum day, observers confirmed that a relatively good nationwide representation of women inside the polling station was achieved.

The format of the training sessions began with a brief description of the IFES pollworker training project, with an introduction of the IFES trainer conducted by the District Commissioner. Each participant, where possible, received a copy of the Presiding Officers' Manual. After reviewing the glossary and instructions for opening and administering a polling place, the trainer would conduct

simulation exercises, repeated playing the scene of a voter (frequently an elderly or handicapped voter) approaching the polling station, turning in his or her registration certificate, dipping the finger in ink, receiving ballots and the envelope, and going to the voting booth to make his or her decision. Repeating the voting procedure gave the training session participants the opportunity to experiment with different polling station floor plans, how to deal with "incapacitated" voters, and how monitors and observers can play a constructive role in the referendum day process.

The training sessions each took between 3 and 4½ hours. The sites were mostly school classrooms, traditional courtrooms or district conference rooms. All of the participants were civil servants, either teachers, health officers or agricultural officers. One journalist attended a session in Rumphi district in the Northern Region. His presence visibly intimidated the group. With that exception, however, the discussions were productive, enabling each trainer to interact with trainees without interrupting the flow of the session.

Several questions were posed to the members of the training team; some were asked at every station. The Presiding Officers were most concerned about the following issues:

- Why do polling station officials have to explain the voting procedure, including the referendum question itself, to individual voters? It takes a long time, and besides, haven't the political parties been doing that?
- What is the relative authority of monitors and Presiding Officers in a dispute in the polling station?
- What constitutes propaganda and at what time or in what form is such material unacceptable in or around the polling station?
- How do we protect ourselves at the end of the referendum, following the count and posting of the results, from monitors and/or party activists?
- Who is responsible for transporting the materials to and from the polling station?
- What is the significance of the Official Report?

REVIEW OF PROJECT OBJECTIVES

Train a core group of 80 to 100 trainers in their basic duties, as outlined in the Electoral Law.

The cascade training methodology provides a good framework within which to design appropriate training programs. While the target core group specified in this project scope of work was 100, the four IFES trainers trained over 1200 people in ten days, providing the trainees with the tools to train up to 60,000 pollworkers before the referendum. The IFES trainers conducted a total of twenty-five sessions, traveling throughout the country, adapting quickly to the unpredictable size of the classes. The delay in the decision regarding ballot boxes, in addition to the significant increase in registration figures, created a crisis situation for the Referendum Supervisor that diverted his attention from training such a large number of Presiding Officers. In addition, the number and location of the training sessions that the Supervisor could have conducted alone was severely limited. Even with his assistant, he would not have been able to travel on a regional level in enough time to provide opportunities for follow-up training before the referendum.

Provide assistance in training techniques.

As part of each training session, the trainers orally reviewed and presented trainees with guidelines for conducting training sessions, attached as Appendix D.

Develop simple training materials that may be used in conjunction with the Electoral Law.

Approximately 400 copies of the final draft of the Presiding Officer's Manual were produced in order for the trainers to begin their sessions during the weekend of May 29. The copies were distributed for training purposes only, substituted later by the final version of the Manual. Eleven thousand English-language copies of the Official Presiding Officer's Manual plus 3,000 Chichewa copies were distributed during training sessions and later through the Referendum Supervisor, who was responsible for the delivery of all election equipment to each polling station. Fifteen thousand

(2) The registration officer making new entries in a voters register or deleting entries therefrom shall initial every such new entry or deletion.

(3) Upon the registration officer being satisfied with proof of loss of eligibility of a registered voter, he shall immediately update the voters register in accordance with the procedure under this regulation.

Initiailing
of pages in
voters
registers

26. In the case of registration in a new voters register, the registration officer shall initial both sides of every page at a point where registration on the page ends.

Monitoring
of registra-
tion by
special
interest
groups

27.—(1) Every special interest group shall have the right to monitor the registration of voters and shall do so through its designated representatives assigned to a specified registration centre and whose names shall be notified in writing to the Commission, and in the absence of such notification by any special interest group it shall be presumed that such group does not desire to monitor the registration of voters at such registration centre.

(2) The Commission shall issue to every person designated as a representative under subregulation (1) a document of identity which the Commission shall devise for the purpose.

(3) There may be assigned to one registration centre more than one representative of a special interest group.

Rights and
duties of
representa-
tives of
special
interest
groups
and others

28.—(1) Representatives of special interest groups shall have the following rights—

(a) to be treated with due respect and consideration by all persons administering the referendum process and by the representatives of other special interest groups;

(b) to request and obtain information on activities relating to the registration of voters;

(c) to submit to the Commission, in writing, complaints and appeals about any irregularities in the registration of voters;

(2) It shall be incumbent upon the representatives of special interest groups in exercising their rights under subregulation (1)—

(a) to monitor the registration activities conscientiously and objectively;

(b) to co-operate in order to ensure that the registration activities proceed normally by avoiding unjustified interference in and obstacles to the work of registration officers;

(c) to refrain from submitting complaints or appeals in bad faith or with the purpose of paralysing the registration process.

(3) In addition to special interest groups and their representatives and international observers, any person eligible to be registered as a voter and any registered voter may, in writing, submit to the Commission complaints and appeals about any irregularity in the registration of voters.

(4) The Commission shall endeavour to determine every complaint or appeal relating to registration of voters before the polling day.

Period for
registration
of voters

29.—(1) Subject to subregulation (2), the period for the registration of voters shall be determined by the Commission and notified in the *Gazette*, being a period of not less than fourteen days expiring not less than seven days before the first polling day.

(2) The Commission may permit registration after the expiry of the period notified in the *Gazette* but before the first polling day of an eligible person who—

(a) has become eligible for registration since the expiry of the period;

(b) was temporarily unable to register on account of the duties of his office as confirmed in writing to the Commission by his superior or as otherwise sufficiently proved to the Commission;

(c) was unable to register for reasons of ill health as confirmed by the medical practitioner or medical officer who attended him.

30. At the close of registration, the registration officer shall sign off the voters register assigned to him and shall forward it for custody to the Referendum Supervisor or to such other officer as is designated by the Commission for the purpose and shall submit to such officer a summary of the total number of voters registered at the registration centre assigned to him.

Closing of
registration

31. A voters register shall be open to inspection, for purposes of verifying the entries therein, by persons eligible to vote, representatives of special interest groups and international observers.

Voters regis-
ter open to
inspection

PART IV—CAMPAIGNING

32.—(1) All special interest groups shall have the right to campaign for or against either side of the referendum question and each group may conduct its campaign severally or jointly with any other.

Campaigning
by special
interest
groups

(2) Campaigning by or in the name of any special interest group shall not be conducted in any public place unless the group has obtained the prior written permission of the relevant officer in charge of police who, upon granting such permission, shall notify the relevant District Commissioner.

(3) Permission of the officer-in-charge of police under subregulation (2) may be granted for one or several campaign meetings, and where there are competing requests for permission, he shall grant the permission in the order he has received the requests.

33. Campaigning in public by every special interest group under this Part shall close two days before the polling day.

Period of
campaigning

34. Every public officer and public entity or authority shall give and be seen to give equal treatment to all special interest groups to enable each of the groups conduct its campaign freely.

Equal
treatment
of special
interest
groups

35. Every special interest group and every representative, member or supporter thereof shall enjoy complete and unhindered freedom of expression and information in the exercise of the right to campaign under these Regulations and no person shall, during or after the referendum period, be subjected to any criminal prosecution for any statement he made or any opinion he held or any campaign material he produced or possessed while campaigning in the referendum.

Freedom of
expression
and
information

36. Subject only to regulation 32 (2), every special interest group and any representative, member or supporter thereof shall, either alone or in common with others, enjoy complete and unhindered freedom of peaceful assembly in campaigning in the referendum.

Freedom of
assembly

Publicity 11. The Commission shall establish its own publicity machinery and shall be free to communicate openly and equally with each special interest group or any person or organization.

Funds 12. The funds of the Commission shall consist of such sums as Parliament shall appropriate for the purpose and such other sums as may otherwise be received by the Commission.

Duty to co-operate 13.—(1) It shall be the duty of every relevant or competent public officer and public or private entity to co-operate with the Commission in its activities and to contribute towards the success of the referendum process and not to do any thing that might hinder such process.

(2) It shall be the special duty of—

(a) all District Commissioners, in their respective districts, to give the Commission and its officers the support and collaboration deemed by the Commission or its officers to be necessary for the execution of the activities connected with the conduct of the referendum;

(b) officers-in-charge of police, in their respective areas of operation, to take all necessary measures for the maintenance of law and order and stability necessary for the conduct of the referendum.

PART III—REGISTRATION OF VOTERS

Eligibility 14. Every citizen of Malawi residing in Malawi and who, on or before the polling day, shall have attained the age of twenty-one years shall be eligible to register as a voter in the referendum.

Right and duty to register 15. It shall be the right and the civic duty of every eligible citizen to present himself for registration as a voter in the referendum and further he shall have the right to verify with the Commission or its officers that he has been registered and to request that any error or omission with respect to his registration be corrected.

Duty to promote registration 16. The Commission shall, in accordance with these Regulations, create the necessary conditions and take all necessary actions for promoting awareness among the citizens of Malawi of the purpose of the referendum and of the need for their full participation in it.

Single registration 17. An eligible citizen shall be registered only once.

Places of registration 18. A person shall be registered as a voter in the area where he ordinarily resides.

Temporary registration officers 19.—(1) The Commission may employ temporary staff as registration officers who shall register voters in the referendum throughout Malawi.

(2) No person shall be employed as a registration officer with respect to any local area of Malawi, unless—

(a) he is a citizen of Malawi and has attained the age of twenty-one years;

(b) he has attained the minimum educational qualification of Junior Certificate of Education or its equivalent; and

(c) he has knowledge of the local language of the area.

(3) Every registration officer shall, before commencing his duties, receive vocational training in the identification and registration of voters

and generally in the requirements of these Regulations with respect to the registration of voters.

(4) In the performance of their duties, registration officers shall be under the supervision of the Referendum Supervisor and such of the other officers of the Commission as he shall designate for the purpose.

20. The Commission shall establish centres throughout the Republic as places where voters are to be registered and for this purpose the Commission shall endeavour to adopt the current centres established for the registration of voters in presidential and parliamentary elections under the Registration of Voters Act in addition to establishing new centres. Registration centres
Cap. 2:03

21. The Commission shall establish and acquire registration books or sheets for the registration of voters (in these Regulations referred to as "voters registers") and for that purpose may adopt and, as necessary, update the existing voters lists used for the registration of voters for presidential and parliamentary elections under the Registration of Voters Act. Voters register
Cap. 2:03

22. An eligible person wishing to be registered as a voter in the referendum shall in person present to a registration officer sufficient and cogent proof of his eligibility and may do so by producing— Evidence of a person's eligibility to vote

(a) a passport, driver's licence, whether valid or not, tax certificate, marriage certificate, employment identity card or employment discharge certificate, birth certificate or other similarly authentic document of identity;

(b) written, verbal or visual testimony of another person, including personal recognition by the registration officer.

23. A person registered as a voter for presidential and parliamentary elections under the Registration of Voters Act and holding the voters registration certificate issued to him under that Act shall, without further procedure, be accepted as validly registered to vote in the referendum. Automatic eligibility of registered voters in elections
Cap. 2:03

24.—(1) Upon a registration officer being satisfied with proof of eligibility of a person to vote, he shall— Registration and issue of the voters registration certificate
Cap. 2:03

(a) issue to that person a voters registration certificate in the form of that issued to voters in parliamentary elections under the Registration of Voters Act;

(b) register that person in the voters register by entering the particulars of that person as prescribed therein.

(2) If a voters registration certificate issued to voter is lost, destroyed, defaced, torn or otherwise damaged, the voter shall notify the registration officer or other officer duly authorized in that behalf in writing giving proof thereof, and upon such officer being satisfied with such proof he shall issue to the voter a duplicate copy of that voter's original voters registration certificate with the words "DUPLICATE" clearly marked or printed on such copy.

25.—(1) In updating a voters register the registration officer shall do so by— Updating of voters registers

(a) adding the names and other prescribed particulars of the voters resulting from new registration;

(b) drawing a line, without affecting legibility, over the particulars of the persons who have lost eligibility to vote in the referendum and indicating in the margin the reasons therefor.

"polling station" means a place established as such under regulation 44;

"polling station officer" means an officer appointed as such under regulation 45;

"polling day" includes any other day to which voting is adjourned;

"presiding officer" means a polling station officer at a polling station who is designated by the Commission under regulation 45 as the presiding officer of that polling station;

"registration" means the registration of persons to vote or as voters in the referendum;

"referendum" means the entire process regulated by these Regulations;

"Referendum Supervisor" means the officer of the Commission designated as such under regulation 5;

"special interest group" means a group specified in the Second Schedule;

"voter" means a person registered to vote in the referendum;

"voters register" means the register of voters established under regulation 21;

"voters registration certificate" means a certificate issued to a voter under regulation 24.

PART II—THE REFERENDUM COMMISSION

Establishment of the Commission

3.—(1) For the purposes of the referendum, there is hereby established a body to be known as the Referendum Commission (in these Regulations otherwise referred to as the "Commission") which shall consist of such number of persons as the President shall deem appropriate to appoint; and the President shall cause notice of the appointment of the Commission to be published in the *Gazette*.

(2) The Commission shall have power to determine its own procedures.

(3) The Commission may appoint such number of its own committees as it considers necessary for the performance of its functions and may assign to any of such committees any of its functions.

Functions of the Commission

4. The Commission shall exercise general direction and supervision over the conduct of the referendum and, without prejudice to the generality of such power, it shall have the following functions—

(a) to organize and direct the registration of voters;

(b) to devise and establish voters registers and ballot papers;

(c) to print, distribute and control ballot papers;

(d) to approve ballot boxes;

(e) to establish and operate polling stations;

(f) to take measures for ensuring that the entire referendum process is conducted under conditions of complete freedom and fairness;

(g) to establish security conditions necessary for the conduct of the referendum in accordance with these Regulations;

(h) to promote through the media and other appropriate and effective means the civic education of the citizens on the purpose of the referendum;

(i) to ensure that there is no hindrance to free and open discussion for or against either side of the referendum question;

(j) to ensure compliance with these Regulations and to adopt measures necessary to guarantee that the referendum is free and fair.

5.—(1) The Commission may appoint, on such terms and conditions of service as it shall determine, such number of officers and servants as it considers are required for the proper conduct of the referendum. Referendum officers

(2) There may be seconded to the service of the Commission such number of public officers as the Commission may request by writing to the Secretary to the President and Cabinet and a public officer so seconded shall perform his duties in relation to the referendum solely under the directions of the Commission.

(3) The Commission shall designate one of the officers appointed or seconded to its service as the Referendum Supervisor who shall be the chief executive officer of the Commission and shall supervise the affairs thereof subject only to the general or special directions of the Commission.

6. A member of the Commission shall hold office from the date of his appointment to a date occurring thirty days after the publication in the *Gazette* of the national result of the referendum but may sooner resign his office by notice in writing to the President. Term of office of members of the Commission

7.—(1) In discharging the functions of the Commission, the Commission and every individual member thereof shall act, and strive to be seen to act, independently of— Independence of the Commission

(a) any public officer;

(b) any organ of the Government;

(c) any special interest group; or

(d) any person whatsoever or organization whatsoever,

but for the purpose only of accountability, the Commission and every individual member thereof shall be answerable, and shall report, directly to the President at the end of the entire referendum process on the overall fulfilment of the functions of the Commission.

(2) Upon assuming his office or immediately thereafter, every member of the Commission shall take oath of office before the President in the form set out in the Third Schedule. Third Schedule

8. Every member of the Commission, whether appointed by virtue of office or in personal or other capacity, shall receive such allowance as the President shall determine. Allowances

9. The Attorney General shall provide legal representation to the Commission in any court proceedings concerning appeals against its decisions on complaints and other issues about the referendum process and shall also be competent to provide general legal advice to the Commission. Legal representation

10. The Commission shall publish a notice in the *Gazette* specifying— Principal office, etc., of the Commission

(a) the location of its principal office; and

(b) its address or addresses, telephone numbers and other means of communication or contact with the Commission.

35. Freedom of expression and information
36. Freedom of assembly
37. Ethical norms during campaigning
38. Prohibition against disclosure of results of opinion polls
39. Prohibited places for campaigning
40. News broadcasts and reports
41. Publication of books, pamphlets, etc.
42. Campaign posters
43. Campaign financing

PART V—POLLING STATIONS

44. Polling stations
45. Polling station officers
46. Working hours for polling station officers
47. Work items for polling station officers
48. Security of work items at polling stations
49. Monitoring of voting by special interest groups
50. Rights and duties of representatives of special interest groups

PART VI—THE VOTE AND THE VOTING PROCESS

51. Characteristic of the vote
52. Place where to cast the vote
53. The ballot paper
54. Voting booths
55. Ballot boxes
56. Right of employees to be released for voting
57. Hours of voting
58. Order of voting
59. The President may not vote
60. Continuity of the voting process
61. Adjournment in certain cases
62. Prohibited presence, etc., at polling stations
63. Requirements for exercising the right to vote
64. Manner of casting the vote
65. Voting by blind and disabled persons
66. Null and void votes
67. Doubts and complaints
68. Procedure at close of the poll

PART VII—DETERMINATION OF RESULTS

69. Opening of ballot boxes and counting of votes
70. Classification of votes counted
71. Record of the counting of the votes
72. Announcement of the district result of the referendum
73. Delivery of records, etc., from districts
74. Determination of the national result of the referendum
75. Analysis of complaints prior to determination of the national result
76. Records of the national result of the referendum
77. Publication of the national result of the referendum

PART VIII—INTERNATIONAL OBSERVATION

78. Meaning of international observation
79. Scope of international observation
80. Beginning and end of international observation
81. Citizens not to be international observers

82. Co-operation by competent authorities
83. Invitation to international observers
84. Categories of international observers
85. Recognition and identification of international observers
86. Compulsory use of identity cards and the common badge
87. Rights of international observers
88. Obligations of international observers
89. Position of diplomats
90. Separate and joint operation of international observers

PART IX—DETERMINATION OF THE REFERENDUM QUESTION

91. Determination of the referendum question

PART X—COMPLAINTS AND APPEALS

92. Commission to decide on complaints
93. Appeals to the High Court
94. Parties not liable to pay costs

PART XI—OFFENCES AND PENALTY

95. Offences
96. General penalty

PART XII—MISCELLANEOUS

97. Validation of appointments, etc.
98. Preservation of the referendum documents

FIRST SCHEDULE

The Referendum Question

SECOND SCHEDULE

Special Interest Groups

THIRD SCHEDULE

Oath of Office of a Member of the Commission

WHEREAS in exercise of the powers conferred by subsection (1) of section 8A of the Constitution, I, NGWAZI DR. H. KAMUZU BANDA, Life President of Malawi, have called a referendum by which eligible citizens of Malawi shall be asked to cast their votes to determine the question set out in the First Schedule to these Regulations on the political system of Malawi, hereinafter referred to as the "referendum question":

NOW THEREFORE, in exercise of the powers conferred by subsection (2) of section 8A of the Constitution, I make the following Regulations—

PART I—PRELIMINARY

1. These Regulations may be cited as the Constitution (Referendum Citation and application Regulations, 1993, and shall apply in relation to the conduct of the referendum to determine the referendum question.

2. In these Regulations, unless the context otherwise requires— Interpretation
 "Commission" means the Referendum Commission established under regulation 3;

"irregularity", in relation to the referendum, means non-compliance with the requirements of these Regulations;

"national result of the referendum" means the final result of the referendum determined in accordance with regulation 74;

The Malawi Gazette Supplement, dated 5th February 1993, containing
Regulations, Rules, etc. (No. 4A)

GOVERNMENT NOTICE No. 5

CONSTITUTION OF MALAWI
CONSTITUTION (REFERENDUM ON MALAWI'S POLITICAL SYSTEM)
REGULATIONS, 1993

ARRANGEMENT OF REGULATIONS

REGULATION

PART I—PRELIMINARY

1. Citation and application
2. Interpretation

PART II—THE REFERENDUM COMMISSION

3. Establishment of the Commission
4. Functions of the Commission
5. Referendum officers
6. Term of office of members of the Commission
7. Independence of the Commission
8. Allowances
9. Legal representation
10. Principal office of the Commission
11. Publicity
12. Funds
13. Duty to co-operate

PART III—REGISTRATION OF VOTERS

14. Eligibility
15. Right and duty to register
16. Duty to promote registration
17. Single registration
18. Places of registration
19. Temporary registration officers
20. Registration centres
21. Voters registers
22. Evidence of a person's eligibility to vote
23. Automatic eligibility of registered voters in elections
24. Registration of voters and issue of voters registration certificates
25. Updating of voters registers
26. Initialling of pages in voters registers
27. Monitoring of registration by special interest groups
28. Rights and duties of representatives of special interest groups
29. Period of registration
30. Closing of registration
31. Voters registers open to inspection

PART IV—CAMPAIGNING

32. Campaigning by special interest groups
33. Period of campaigning
34. Equal treatment of special interest groups

APPENDIX B
FEBRUARY 5 REFERENDUM REGULATIONS

DISTRICT	REGISTRATION CENTRES			POPULATION 21 AND OVER	REGISTERED 1992	% OF ELIGIBLE	REGISTERED 1993	TOTAL VOTERS 1993	% INCREASE OVER 1992
	TOTAL	OLD	NEW						
NORTH									
CHITIPA	53	42	11	52200	26945	0.52	*	26945	1.00
KARONGA	62	45	17	70300	38000	0.54	69319	107319	2.82
RUMPHI	52	33	19	46500	26016	0.56	*	26016	1.00
NKHATA BAY (MZUZU)	53	43	10	65700	26356	0.40	*	26356	1.00
MZIMBA	61	40	21	--	43897	--	110980	154877	3.53
	142	93	49	215200	117470	0.55	155777	273247	2.33
SUB TOTAL	423	296	127	449900	278684	0.62	336076	614760	2.27
							CENTERS VISITED: 63 (PERCENT: 15%)		
CENTRAL									
KASUNGU	104	78	26	182600	161222	0.88	160551	321773	2.00
DOWA	86	60	26	151500	113015	0.75	102113	215128	1.90
NTCHISI	59	54	5	57400	44423	0.77	34072	78495	1.77
NKHOTAKOTA	80	52	28	86800	70010	0.81	*	70010	1.00
SALIMA	46	43	3	97500	69258	0.71	*	69258	1.00
MCHINJI	71	50	21	128400	104853	0.82	95181	200034	1.91
DEDZA	90	61	29	198000	127923	0.65	142476	270399	2.11
LILONGWE	198	156	42	477100	320321	0.67	*	320321	1.00
NTCHEU	103	56	47	181800	89429	0.49	100017	189446	2.12
SUB TOTAL	637	610	227	1561100	1100454	0.70	634410	1734864	1.58
							CENTERS VISITED: 111 (PERCENT: 13%)		
SOUTH									
MANGOCHI	108	58	50	275900	118422	0.43	*	118422	1.00
MACHINGA	107	70	37	265500	121033	0.46	*	121033	1.00
ZOMBA	88	47	41	215500	96800	0.45	190353	287153	2.91
BLANTYRE	94	43	51	305600	61040	0.20	*	61040	1.00
MWANZA	59	34	25	61900	31712	0.51	40726	72438	2.21
CHIKWAWA	70	53	17	163100	76644	0.47	*	76644	1.00
THYOLO	78	44	34	205100	65055	0.32	*	65055	1.00
CHIRADZULU	54	25	29	98100	88484	0.90	78326	166810	1.68
MULANJE	91	75	16	305100	156979	0.51	*	156979	1.00
NSANJE	57	40	17	113800	56873	0.50	*	56873	1.00
SUB TOTAL	806	489	317	2009600	872942	0.43	309405	1182347	1.33
							CENTERS VISITED: 91 (PERCENT: 11%)		
TOTAL	2066	1395	671	4020600	2252080	0.56	1279891	3531971	1.51

APPENDIX A

1993 REGISTRATION FIGURES



Increase Women's Participation and Representation. Women in Malawian society have occupied two fairly strict roles where political affiliation is concerned: they are either mbumbas or token members of Parliament; or they remain as far from political involvement as they can to avoid being mistakenly identified with the former. USAID/Malawi is currently conducting several programs which focus on the education of girls and women, especially post-elementary education. A specialist in women's political development can work with women at all educational levels as well as function as a liaison to the election commission, demonstrating ways in which women may contribute positively to the Malawian democratic transition.

The evolution of the political process in Malawi has taken a figurative quantum leap during the past eighteen months. Conflict between members of the current government (who would state that they are concerned with ignoring elemental legislative changes in the rush for reform) and its opposition (who would argue that the deliberations of the government represent its last, illegitimate effort to maintain power) on all of the issues described in this report is inevitable. The international community would do well to recognize the validity in both arguments, and to support those projects which contribute to the institutionalization of reform at an acceptable pace. With each passing day, it is less likely that that pace will ever again be backward.

the form of advice to the commission's publicity secretary, or financing the publication of voter education information.

Training of the Election Commission and Staff. The number of changes to be made in election procedures, rules and regulations, in addition to the regulations governing political party activity will pose a challenge even for experienced election officials. A specialist in election administration could work directly with the election commission to organize the registration process, to set priorities among the pre-and post-election tasks, to set in place a series of mechanisms for efficient organization of future elections, to identify training and staffing needs, and to make recommendations for improvements in procedure based on the experience of the referendum.

Rule of Law. The authority of the Malawian government, as stated in Chapter III, has been characterized by the administration of rules which deny basic personal freedoms and which elevate the power of law enforcement officials relative to ordinary citizens. A democratic form of government, constitution and laws ensure that each citizen is guaranteed equal protection under the law; it furthermore states that no government agent or official is exempt from following those laws by virtue of the office he or she holds. A constitutional law specialist should work with the National Consultative Council to develop recommendations to abrogate those laws which restrict personal freedoms or which provide heretofore freely exercised opportunities for abuse by members of the government. While many aspects of the Malawian Constitution will be reviewed following elections, this step is integral to creating the kind of environment in which a fair campaign and election process may take place.

Accountability in Election and Campaign Practice. Similar in concept to the recommendation listed above, the election commission should be able to draft rules regarding political participation that it will be legally qualified to enforce, which no political party or person would be able to overrule. The election administration specialist could offer assistance in this area, or a separate specialist could work with the commission to develop these rules and procedures for enforcement.

well before the elections, reducing the number of tasks that must be completed at that time. Some related tasks include redrawing district boundaries, identifying appropriate quantities and types of election equipment, and designating sufficient polling stations. The Referendum Commission indicated a commitment to develop a new register by collecting all previous certificates. There are several methods for creating and maintaining a voter registry, involving varying degrees of voter and registration office involvement. Some countries, such as Canada, conduct a house-to-house enumeration for each national election. The United Kingdom, in addition to most states in the U.S., use a permanent register that is periodically purged of deceased, transferred, lapsed (through failure to participate in a minimum number of election exercises) or otherwise ineligible voters. Neither method is foolproof. The will of the electorate to keep their registration status current is the ultimate determinant of how the election commission develops a system whose upkeep depends mostly on the voter or on the commission.

Other factors to be considered in the registration process are whether the certificate is a permanent, renewable document or a disposable document issued prior to each election, how the voters' information can be stored in a database for crosschecking and easier purging, or how such a database can be used to prevent voters from registering and voting more than once.

The recommendations listed above answer many of the immediate needs of the Malawian population as it prepares for elections in December or later. While many of these recommendations could be implemented with the assistance of the donor community, the initiative for such sweeping changes in the operations of the Malawian governing bodies must come from Malawi. Below, IFES presents needs that its team members identified based on its two-month project as well as experience acquired around the world.

Voter and Civic Education. In addition to the short-term goal of providing sufficient information to the electorate to enable it to make an educated decision in the voting booth, voter and civic education programs provide an opportunity for all citizens to learn about the value of participation in a democratic society. Such programs may be targeted to specific groups (elementary and secondary school students, women's associations) to maximize a limited opportunity to reach the whole population at the same time. The election commission should be supported, in the spirit of transparency, in its efforts to use the methods at its disposal, such as MBC programming or government printing facilities to publicize the election process as it continues. This support may take

To inform USAID/Malawi of appropriate approaches/activities to support in future democracy/governance efforts.

At the time of this writing, political changes are occurring in Malawi at the fastest rate since independence. On June 23, PAC and the PCD agreed to the creation of two councils to oversee the activities of the Malawian government until the elections. The National Executive Council will be charged with the administration of coming elections, with the ability to make substantive recommendations to Parliament regarding existing election law and practice. IFES offers the following recommendations in addition to those offered elsewhere in this report to the Government of Malawi as it prepares for its first and future elections.

- The National Executive Council should review the current laws governing media, both print and broadcast, with a commitment to objectivity and equal access by all citizens on election matters. The existing law provides little opportunity for changing the partisan nature and perception of MBC or the government newspapers. One way to improve MBC's image would be to continue the panel discussions developed for the referendum, continuing to invite and answer questions from listeners, in a regularly scheduled program.
- The PAC and PCD (or individual parties) should develop, as soon as possible, a code of conduct for political parties that reflects consensus between existing parties and pressure groups as well as setting standards for future parties. The election commission, should be obligated to approve and enforce any such code.
- The National Executive Council should ensure that the next election commission, whether provisional or temporary, performs its duties in a transparent manner as soon as it is convened. The independence of the commission must be stated in law and demonstrable in practice. All procedures and major decisions from setting the dates for election and registration to releasing of correctly attributed partial results throughout election night should be made by the Commission in an atmosphere of public service and cooperation.
- The election commission should develop a task-oriented election calendar that provides all parties with sufficient campaign and organizational time, that respects the logistical problems noted in the referendum exercise, and that takes into account the rainy season and times of highest migration for employment/seasonal purposes.
- A new registration period and drive should begin as soon as materials become available. Although the date for elections is not yet fixed, this process should begin and be completed

The IFES pollworker training team was able to train 1200 polling officials in the new procedures to be used for this referendum, providing a clear, concise manual as well as information on how to set up similar training sessions.

The relationship between Eugenie Lucas, the voter education consultant, and the Referendum training team and the Referendum Commission was positive from the project's inception. Without distracting the Commission or being forced to work alone, Ms. Lucas was able to assemble a group within the Commission which could be counted on to meet regularly, participate fully in the voter education program and contribute valuable ideas to the program's implementation. By contrast, the relationship between the IFES pollworker trainers and the Commission consisted was limited to direct work with the Referendum Supervisor. The infrequent meetings of the Commission, in addition to the items previously on the Commission's agenda, prevented the training team from meeting with the Commission on a regular basis prior to the training sessions. Cooperation increased near the end of May, as the full Commission reviewed, edited and ultimately approved the IFES Presiding Officers' Manual. Despite the infrequent schedule of the Commission's meetings, those recommendations made by the IFES team and accepted by the Referendum Commission contributed to the transparency and fairness of the process.

To monitor compliance with referendum regulations and international standards for a free and fair referendum.

The IFES monitors, pollworker trainers and voter education advisor were all familiar with the February regulations as well as their amendments. They were cognizant, based on previous experience, of international standards regarding fair election practice. The IFES team made every effort to correct errors in procedure, whether committed in ignorance or by design, and reported all of these errors to the UN Electoral Assistance Secretariat. Dr. Ludwig regularly brought the concerns of the team to the attention of the Referendum Commission, the PCD and PAC. For example, the relaxing of rules regarding the pressure groups' rallies was directly related to the EAS' continued reporting of intimidation and harassment of multiparty supporters by police.

to all members of the team in opening doors with Malawian election personnel and reporting individual concerns as well as ensuring that the team had appropriate transportation and lodging. The entire IFES team expressed a wish that more administrative staff had been available, in addition to more computer equipment. These needs were most acute when each team member was in Lilongwe, all needing space to compile reports. The arrival of more observers, while providing a welcome increase in regional coverage, also took a good deal of the logistics time that IFES monitors could have spent on their own activities. Nevertheless, the atmosphere of assistance made all of the team members eager to help whenever and wherever they were needed.

REVIEW OF PROJECT OBJECTIVES

To inform voters in Malawi of the importance and implications of the June 14, 1993 referendum.

This objective was achieved through the presence of each member of the IFES team. While the focus of each monitor's activities was not specifically oriented to voter education, the number of interviews, meetings attended, and exchanges with different Malawian citizens during the two months prior to the referendum was instrumental in bringing a voter education message to Malawi. Specifically, the voter education program delivered these messages by radio, public town-hall meetings, posters and traveling theater. The program was the result of consistent cooperation between the IFES team, the Electoral Assistance Secretariat, the Referendum Commission and the MBC. Building on the relationship established between the Secretariat and the Commission, the IFES team was comfortable in making suggestions regarding topics for discussion and program format. It is impossible to estimate the number of people reached directly by radio; however, the town hall meetings drew an average of 1250, while each of the thirteen traveling theater performances attracted audiences in excess of 700. The pollworker training program delivered the messages by inviting discussion not only of the procedures involved in voting, but the concept of the referendum itself.

To train polling officials so the referendum is efficient and fair.

VII. REVIEW OF PROJECT ACTIVITIES

COOPERATION WITH UN ELECTORAL ASSISTANCE SECRETARIAT

The extended IFES presence in Malawi facilitated its cooperation with the Electoral Assistance Secretariat. All personnel worked well together, collaborating on several occasions. On May 10, the IFES Project Manager and the JIOG coordinator discussed the reporting requirements of the IFES monitors. The monitors' scope of work included biweekly activity reports to IFES and workplans for coming weeks. However, the content of those reports was determined in part by the responsibilities of the JIOG to prepare comprehensive reports at key phases in the referendum process. The JIOG coordinator felt that some of the information contained in the individual observer reports was sensitive enough to affect the referendum negotiation process between the UN, PAC and the PCD should any report be taken out of context. An agreement was reached that observer reports would be given simultaneously to the JIOG coordinator and IFES but that the reports to IFES would be classified as not representative of the entire JIOG.

Three weeks prior to the referendum, the Election Assistance Secretariat received a request for election equipment procurement assistance from the Referendum Commission. The Secretariat requested information from IFES personnel on site and in Washington. Based on those recommendations, the Secretariat procured election material including flashlights, large plastic envelopes for ballots, ballot paper envelopes, and badges for election workers and monitors. Christian Nadeau assisted in the assembling of the equipment packages in Johannesburg. Mariela Lopez and Laurie Cooper took part in the labeling and distribution of over 5,300 packages well into the evening of June 10.

IFES Trainer George Smith assisted in the observer deployment and reporting activities by creating a senior level of observers who would monitor the proceedings at the district level, reporting them throughout the evening of the referendum.

None of the achievements of the IFES team would have been accomplished without the outstanding support of the Electoral Assistance Secretariat. Dr. Robin Ludwig and Leti Martinez were essential



The examples described above are isolated cases out of more than 5,000 polling stations. Except for the last case mentioned, the observers noted no significant, systematic attempt on the part of anyone to influence the outcome of the referendum.

Disabled voters were to be assisted by persons of their choice. Monitors and observers were permitted to be present throughout the process.

Variations on the polling station procedures were the exception rather than the norm in all three regions. For example, some Presiding Officers refused to allow monitors to enter the polling station because they arrived after the poll opened; others refused local monitors entry because they could not produce letters of accreditation. In a few polling stations, polling officials who did not wish to turn away voters who possessed certificates but whose names did not appear on the list simply added the voters to the current register, collected the certificates, and issued ballots. Other Presiding Officers refused to use the 1992 register at all and turned away voters whose names did not appear on the '93 list. Less-than-optimal arrangement of polling station furniture slowed the voting process down in some stations. The design of the ballot (two papers separated with different destinations) complicated the process for some voters, who were unsure which ballot went into which box. The presence of more than one box confused many citizens, including the Presiding Officers. During the training sessions as well as on Referendum Day, the Presiding Officers asked how to deal with those voters who voted with their discard ballot by mistake.

The Official Report seemed to produce the most problems for polling staff during the counting process. After the ballots were separated and counted, there seemed to be little incentive to fill the form out. Polling stations where the vote had obviously gone one way were less likely to complete the form. A disturbing phenomenon was recorded in the Northern Region where an unofficial report form was inserted in the polling materials for each district: "Form A", which included a space for polling officials to enter the number of votes each pressure group received - although this was not a parliamentary election. The form was not printed by the Commission, but international observers were unable to determine who was responsible. Most of the Presiding Officers ignored the form, after explaining the form's partisan nature to the monitors present.

VI. REFERENDUM DAY OBSERVATIONS

Members of the IFES team remaining in Malawi on Referendum Day were deployed to all three regions. The long-term monitors served as regional coordinators, while the pollworker trainers conducted less formal observations in and around Lilongwe.

Monitors and observers received their deployment assignments on the evening of June 12, following an all-day briefing chaired by Dr. Ludwig. Beginning at 7 o'clock the next morning, the delegation of 210 observers, divided into teams of two to three persons, left Lilongwe for their assigned regions. This early deployment gave the observers time to locate a number of polling stations in their districts, to meet local pressure group representatives, church leaders, and the police, and to complete a dry-run of results transmission.

On the morning of June 14, most observers arrived at the polling stations between 5:00 and 5:30 am. They were preceded by voters who in some cases had been waiting since 4. Based on the delegation's observations, the vast majority of stations had all of the equipment assigned to them and were able to open polling at 6:00. Equipment was to have been distributed on Sunday by each District Commissioner to each polling station. In isolated cases, polling stations opened by 6:40. In one station in Mzuzu, Northern region, the District Commissioner was contacted by the Presiding Officer on the evening of June 13 regarding a shortage of ballots, but gave no response. No observer reported any polling stations that did not open.

PROCEDURE

The voting procedures, as specified in the Presiding Officers' Manual and the amended Referendum regulations, were as follows: a voter would approach the polling station or polling center, be directed to that part of the voter registry that had his or her name entered, present his or her certificate for verification and to be kept by the polling staff, have fingers checked for ink and the right index finger dipped in ink, receive two ballots, an envelope and an explanation of the voting process, be directed to the voting booth and cast the ballot with the preferred symbol in the ballot box after discarding the ballot not preferred in the cardboard box located inside the voting booth.

Conclusions and Recommendations

The Malawi referendum accomplished more than the return of a verdict on the type of political system most Malawians preferred. It established new techniques in registration and voting procedure, it introduced new equipment, and it made fundamental policy changes in the way future electoral exercises will be conducted. These changes go a long way to ensuring and institutionalizing a fair, transparent electoral process. In addition to the recommendations cited earlier in this chapter, the pollworker training team adds the following suggestions:

- The current negotiations defining the transition process should include the creation of a **permanent electoral commission**, with definitions of its composition, role, functions, and authority. This commission will have to accomplish a great deal of tasks in a short time, whether general elections take place in five or ten months. Creating, convening and authorizing the commission now would enable its members to take a more active and responsible role in organizing the elections. The commission should have, among others, the following authority:
 - a) to design and enforce rules on the registration and activities of political parties; to review any code of conduct that the parties develop;
 - b) to ensure that all political parties ratify the code of conduct as a prerequisite for registration; to take disciplinary action against those parties that violate the code.
 - c) to regulate access to the media for parties; to advise (at least in the short term) the Malawi Broadcasting Corporation leadership on its meeting the standards for fair politically-oriented programming.
- A new registration process should begin, after firm rules establish eligibility and determine the optimum polling stations for individual voters (either where they live or where they work), which includes an ability for officials to crosscheck lists and eliminate duplicates, including sufficient time prior to the election to review and correct the lists.
- The election commission should have a voice in the devising of an election calendar, with the right to reject politically strategic but logistically challenging proposed dates.
- Above all, the election commission should be composed of neutral members with the authority to make decisions that will be respected as coming from a neutral body. Except in the case of a national emergency, the election commission, not the Parliament, Cabinet or President, should be the principal and final authority on election matters.

posters with step-by-step graphics of the voting procedures were also distributed through the Referendum Supervisor's office. Observers confirmed that manuals and posters alike were used throughout the country to assist pollworkers in their duties.

Ensure that an adequate representation of women among the core training group is achieved; Identify a need for and conduct all-female trainings as necessary.

Of the objectives and tasks listed under this project, two which were not satisfactorily achieved concerned the presence and targeted training of women. The disagreement over the number of ballot boxes certainly delayed implementation and curtailed the length of the training. A longer training period, increasing the time spent one-on-one with the District Commissioners, might have provided an opportunity for the IFES trainers to facilitate the recruitment of female trainees.

Travel with core trainers as they conduct regional trainings, offering advice on training techniques as appropriate.

During the week prior to the referendum, the Presiding Officers trained by the IFES team conducted their own sessions. The second-tier sessions were more oriented towards lecture than simulation style; however, Presiding Officers expected to use the simulation method in training their individual staffs. Informal feedback solicited by IFES trainers was positive - the manual was seen to be clear and comprehensive. One criticism that the Presiding Officers expressed was that the importance of each polling station's Official Report was not sufficiently stressed - a circumstance that on Referendum Day led, according to many observers, to too little attention given to the proper recording requirements of the Report. This was due in part to the fact that the Official Report had not been approved by the Commission prior to the training. IFES trainers worked with a prototype report that had to be shared among many trainees. As a result, the reporting section of the training was not as intensive as it should have been. This objective could have been more successfully achieved had less time been spent waiting for the ballot box decision. The limited number of trainers present in the last week prior to the referendum prevented thorough follow-up of training sessions.

Ethical norms during campaigning

37.—(1) Notwithstanding guarantees of freedom of expression, information and assembly under regulations 35 and 36, no person shall, in campaigning in the referendum, use language which is inflammatory, defamatory or insulting or which constitutes incitement to public disorder, insurrection, hate, violence or war.

(2) The Commission may prescribe a code of conduct to be complied with by every special interest group in conducting its campaign in the referendum.

Prohibition against disclosure of results of opinion polls

38. During the period of campaigning and until after the declaration of the results of the referendum, no person shall publish in any form the results of an opinion poll conducted amongst voters on the likely result of the referendum.

Prohibited places for campaigning

39. No person shall hold a campaign meeting under these Regulations in or within the premises of—

- (a) military units or police stations;
- (b) public institutions and workplaces during normal working hours;
- (c) educational institutions during periods of classes.

News broadcasts and reports

40.—(1) Every special interest group shall have the right to have the substance of its campaign propaganda reported on radio news broadcasts of the Malawi Broadcasting Corporation and in any newspaper in circulation in Malawi:

Provided that in the case of radio broadcasts—

- (a) no person shall be reported or be heard by his own voice;
- (b) the content of the news shall be professionally determined by the Malawi Broadcasting Corporation;
- (c) the Malawi Broadcasting Corporation shall maintain neutrality in the manner of reporting the news of the campaign propaganda of special interest groups and in its commentaries;
- (d) the Commission shall monitor such news broadcasts and shall ensure equal news coverage of the campaigning by all special interest groups;
- (e) no special interest group shall be entitled to make commercial advertising for its campaign.

(2) For the purposes of this regulation, "campaign propaganda" means any activity, statement or any other form of expression aiming directly or indirectly at promoting votes for or against either side of the referendum question.

Publication of books, pamphlets, etc.

41. During the campaign period any special interest group may, either alone or in common with others, publish campaign materials in the form of books, pamphlets, leaflets, magazines or newspapers and shall, in such publication specify particulars sufficient to identify the group or groups as the case may be.

Campaign posters

42. The District Commissioner shall, in consultation with the Commission, designate places or spaces in parts of his district on which may be posted or affixed campaign materials of special interest groups and every such group shall be entitled to equal access to such place or space, and in the absence of such designation every open or public place or space shall be deemed to have been so designated.

43. Every special interest group may, for the purpose of financing its campaign, appeal for and receive voluntary contributions from any individual or any non-governmental organization or other private organization in or outside Malawi. Campaign financing

PART V—POLLING STATIONS

44.—(1) The Commission shall establish polling stations throughout the Republic and there shall be one polling station for every centre for the registration of voters. Polling stations

(2) All polling stations shall be established and located in public buildings, including schools, community or social halls, administrative offices of the Government or local authorities, but not—

- (a) at a military unit or police station;
- (b) in a residential building;
- (c) in a building occupied by a special interest group;
- (d) in premises where alcoholic drinks are ordinarily sold or consumed;
- (e) places of worship or dedicated to worship;
- (f) hospitals or other health centres.

(3) The Commission shall, before the polling day, publish in the *Gazette* and in more than one issue of a newspaper in general circulation in Malawi and by radio announcements and by any other appropriate means the names of all places throughout Malawi at which polling stations have been established.

45.—(1) The Commission shall appoint polling station officers in its service whose duty shall be to administer the proceedings at polling stations, including more particularly the casting of votes. Polling station officers

(2) The Commission shall post to every polling station a sufficient number of polling station officers one whom the Commission shall designate as the presiding officer for that polling station and at least one of whom shall be a person able to speak the local language of the area of the polling station.

(3) Polling station officers may be appointed from amongst persons who served as registration officers and every person appointed as a polling station officer shall receive vocational training in his duties.

46. Every polling station officer shall, on the polling day, report for work at the polling station not later than thirty minutes before the opening time for the casting of votes at that polling station and at any given time of the polling day there shall be a majority of polling station officers attending to their business at the polling station. Working hours for polling station officers

47.—(1) The Commission shall ensure, in due time, that polling station officers at every polling station are supplied with all necessary items, namely— Work items for polling station officers

- (a) an authenticated copy of the voters register of the voters registered at the centre served by the polling station;
- (b) the ballot papers;
- (c) the ballot boxes;
- (d) the seals, sealing wax and envelopes for the votes; and
- (e) indelible ink.

Security of work items at polling stations

48. The presiding officers at polling stations and, in general, the Commission shall be responsible for creating and guaranteeing all necessary and indispensable conditions for the custody, conservation, security and inviolability of the items specified in regulation 47, including more particularly the ballot papers and ballot boxes.

Monitoring of voting by special interest groups

49.—(1) Every special interest group shall have the right to monitor the voting process at polling stations and shall do so through one or more of its designated representatives who shall be notified to the Commission in writing specifying their names and the polling stations to which they are to be assigned and in the absence of such notification by any group it shall be presumed that the group does not desire to monitor the voting process at that polling station.

(2) The Commission shall issue to every person designated as a representative of a special interest group under subregulation (1) a document of identity which the Commission shall devise for the purpose.

Rights and duties of representatives of special interest groups

50. Representatives of special interest groups shall have—

(a) the following rights—

(i) to be present at the polling stations and to occupy the nearest seats or positions to the polling station officers so as to be able to monitor all the operations relating to the casting of votes;

(ii) to verify and inspect, before the beginning of the casting of votes, the ballot boxes and the polling booths;

(iii) to request and obtain from the polling station officers any information which they consider necessary relating to the voting process;

(iv) to be consulted about any question raised on the operation of the polling station;

(v) to consult the voters registers at any time;

(b) the following duties—

(i) to act conscientiously and objectively in the exercise of their rights under this regulation;

(ii) to co-operate with polling station officers;

(iii) to refrain from interfering unjustifiably and in bad faith with the duties of the polling station officers.

PART VI—THE VOTE AND THE VOTING PROCESS

Characteristic of the vote

51.—(1) Voters shall be required to cast their votes to determine the referendum question which shall be put to them in such manner as shall be determined by the Commission.

(2) The right of a person to vote in the referendum shall be exercised individually by him and he shall be required to be physically present.

(3) Voting shall be by secret ballot.

(4) A voter may cast his vote only once.

Place where to cast the vote

52.—(1) Subject to subregulation (2), a person shall be allowed to exercise his right to vote at a polling station located at the registration centre where he is registered.

(2) If it is not possible for a person to vote at a polling station located at the registration centre where he is registered, the registration officer of that centre or other duly authorized officer may, at the request of such person, grant him written authorization in the form approved for the purpose by the Commission to vote at a polling station located in the place where he will be present on the polling day and in that case the polling station officers at such other polling station shall record in the manner prescribed by the Commission his name, the number of his voters registration certificate and the registration centre where he is registered:

Provided that the registration officer or other authorized officer may, on reasonable grounds, refuse to grant the request.

53.—(1) The Commission shall arrange for the printing of ballot papers in sufficient quantities according to the following requirements, that is to say, that each ballot paper—

The ballot paper

(a) shall be in a bound batch or book of ballot papers with serial numbers;

(b) shall be in two parts, both bearing the same serial number separated by a perforated line, with the outer part being larger than the inner part and bearing distinct marks or features as safeguards against counterfeit and other fraudulent reproduction thereof.

(2) The outer part of the ballot paper shall be used by voters for casting their votes in accordance with these Regulations.

54. The Commission shall establish one voting booth or more at each polling station and a voting booth shall be constructed in such a way as to completely screen a voter from observation while he is casting the ballot paper in the ballot box.

Voting booths

55.—(1) The Commission shall procure ballot boxes of suitable material, specification and design for use in the casting of votes by voters.

Ballot boxes

(2) Subject to satisfying the requirements of these Regulations, on the polling day the presiding officer shall place in each voting booth at that polling station two ballot boxes, separately positioned and distinctly marked with colour or symbol or with both colour and symbol, one for votes in favour of one side of the referendum question and the other for votes in favour of the other side of the referendum question.

(3) The positioning of the two ballot boxes in a voting booth shall be such that when a voter is casting his vote in a ballot box he is completely screened from observation by any other person.

56. Notwithstanding any provision to the contrary in any contract of employment, all persons in paid employment, including those working by shift, shall have the right to be released for the necessary time to exercise their right to vote.

Right of employees to be released for voting

57. On the polling day voting shall begin at 6 o'clock in the morning and close at 6 o'clock in the evening, but before voting begins the presiding officer, together with the other polling station officers and representatives of special interest groups, shall verify that there are no irregularities with any voting booth and the working documents and other work items of the polling station officers and, shall, in particular, exhibit in front of all present each of the two ballot boxes to verify that it is empty.

Hours of voting

58. Upon verification in accordance with regulation 57 that there are no irregularities, the first persons to be allowed to vote shall be the

Order of voting

presiding officer, the other polling station officers, representatives of the special interest groups and all officers responsible for ensuring order and security at the polling station after whom all other persons shall vote according to the order of their arrival at the polling station and, to this end, they shall form a line; but subject thereto, the presiding officer shall exercise general authority for keeping order at the polling station and for regulating the number of persons to be admitted to vote at any time and may, if circumstances so require, use his discretion to allow certain persons to vote inconsistently with the order of priority required by this regulation.

The President may not vote

59. The President may not vote in the referendum.

Continuity of the voting process

60. Subject to regulation 61, voting at every polling station shall continue uninterrupted until closed.

Adjournment in certain cases

61.—(1) Voting at any polling station may be adjourned to another day to be fixed by the Commission if—

(a) the polling station officers are unable to assemble at that polling station in accordance with these Regulations;

(b) there occurs some commotion which causes voting to be interrupted for more than three hours;

(c) in the area where the polling station is located there has occurred some public disaster or a serious disturbance of public order, not being death of any person, which affects the voting.

(2) Where voting has been adjourned to another day under sub-regulation (1)—

(a) the hours of voting on that day shall be the same as for the original day;

(b) the voting process shall be conducted afresh and not as continuing from the original day;

(c) the votes cast on the original day shall be null and void and shall be classified as such in the records of that polling station prepared under regulation 71.

Prohibited presence, etc., at polling stations

62.—(1) No form of propaganda, campaign material or advertisement shall be exhibited inside a polling station or within a radius of one hundred metres outside a polling station.

(2) Unless his presence is otherwise permitted under these Regulations, no person shall be allowed within the premises of a polling station or to remain within the premises of a polling station if—

(a) he is not a registered voter;

(b) he has already voted at that polling station or at any other polling station.

(3) A person who is present at a polling station as an agent of a media organization shall—

(a) identify himself to the polling station officers by presenting his credentials from the organization he represents;

(b) refrain from taking pictures close to a polling booth.

(4) No person shall be present at a polling station in the capacity of a member of the armed forces or the police or as a member of any paramilitary force or a uniformed organization, unless he is employed in the service of the Commission or has been invited by the presiding officer for purposes of keeping order.

(5) The presiding officer shall take all necessary steps to effectively bar or expel from within a radius of one hundred metres of a polling station any person who is evidently drunk and disorderly or is carrying a weapon of any kind or is disturbing the order and the peace at the polling station.

63. For a person to be allowed to vote he must first present to the polling station officers his voters registration certificate and must not yet have exercised his right to vote.

Requirements for exercising the right to vote

64.—(1) To be able to cast a vote at any polling station, a voter shall present himself to the polling station officers and hand to them his voters registration certificate whereupon the polling station officers shall proceed to verify his identity by examining the voters register.

Manner of casting the vote

(2) If the polling station officers are satisfied with the identity of a voter in accordance with subregulation (1), they shall—

(a) mark his voters registration certificate and record his name and registration number;

(b) dip the right index finger of the voter in indelible ink provided for the purpose to the polling station officers after which the presiding officer or other polling station officer authorized in that behalf shall hand to the voter the outer part of a ballot paper perforated from the inner part and direct him to a voting booth.

(3) In a voting booth the voter shall cast the ballot paper into the ballot box corresponding to the side of the referendum question which he favours.

(4) If, inadvertently or for any reason whatsoever, the voter does not use the ballot paper handed to him he shall ask for another from the presiding officer and return the first ballot paper to the presiding officer who shall write on the returned ballot paper a note indicating that it is unused to be dealt with as an unused ballot paper.

65. A voter who is blind or is affected by disease or other physical disability may vote accompanied by a polling station officer or another registered voter of his own choice who shall assist such person in casting his vote and shall act faithfully to the wish expressed by such person and with absolute secrecy regarding the vote cast by such person.

Voting by blind and disabled persons

66.—(1) A vote cast is null and void if—

(a) the ballot paper has been torn into two or more parts; or

(b) has been classified as such pursuant to regulation 61 (2) (c) or 69 (3).

Null and void votes

(2) A null and void vote shall not be regarded as valid and shall not be counted in determining the results of the referendum.

67.—(1) In addition to representatives of special interest groups, any voter present at a polling station may raise doubts and present in

Doubts and complaints

writing complaints relating to the voting at the polling station and shall have the right to obtain information from the polling station officers and from relevant documents available at the polling station.

(2) No polling station officer shall refuse to receive a complaint presented to him under subregulation (1) and shall initial every such presentation and annex it as part of the official record of the polling station.

(3) Any presentation received by polling station officers under this regulation shall be deliberated upon among, and be resolved by, the polling station officers who may, if necessary in their opinion to enable the voting process to proceed, postpone such deliberation or resolution until the end of the voting process.

Procedure
at close
of the poll

68.—(1) At the close of the poll at any polling station, the presiding officer shall—

(a) proceed by first collecting together all unused ballot papers and batches or books containing stubs of used ballot papers and placing them in a separate envelope or in separate envelopes provided to him by the Commission for the purpose and then sealing the envelope or envelopes and stamping and initialling over the sealed area;

(b) in full view of other polling station officers and, if any be present, representatives of special interest groups, seal, in the manner prescribed by the Commission, the two ballot boxes with the votes therein uncounted and legibly mark on each box the name of the polling station;

(c) dispatch the two boxes and the envelope or envelopes so sealed to the District Commissioner of his district by the quickest and most secure means possible;

(d) cause to be prepared by the polling station officers a record of the entire polling process at his polling station containing—

(i) the full particulars of the polling station officers and representatives of special interest groups;

(ii) the number of unused ballot papers;

(iii) complaints and responses thereto, if any, and the decisions thereon taken by the polling station officers;

(iv) any other occurrence which the polling station officers consider to be important to record;

(e) prepare a summary of the record under paragraph (d).

(2) The record and summary prepared under subregulation 1 (d) and (e) shall be legibly signed by the presiding officer and each of the polling station officers. Representatives of special interest groups shall be entitled to receive a copy of such duly signed summary.

(3) Representatives of special interest groups shall have the right to—

(a) observe the transportation and the handling of the ballot boxes and the envelopes from a polling station to the office of the District Commissioner until they are opened for counting under Part VI and, for that purpose, to be carried in the vehicles or vessels transporting the ballot boxes; and

(b) observe the counting of votes under Part VI.

PART VI—DETERMINATION OF RESULTS

69. Counting of the votes shall be done at the office of the District Commissioner and under his supervision or under the supervision of a duly authorized officer of the Commission and, unless the Commission otherwise directs, shall not commence until ballot boxes from every polling station in the district have been received at the office of the District Commissioner.

Opening of
ballot
boxes and
counting
of votes

(2) To begin the counting of votes, the District Commissioner or a duly authorized officer of the Commission shall open one ballot box at a time in full view of all persons present after verification by all such persons that the box has not been materially tampered or interfered with and shall order the counting of the votes in that box to proceed.

(3) Where it is determined that a ballot box has been materially tampered or interfered with, the votes in that box shall be counted but shall be classified as null and void votes.

(4) Counting of votes shall continue uninterrupted until concluded.

70. The votes counted shall be classified into—

(a) votes for the one-party system of government with the Malawi Congress Party as the sole political party;

(b) votes for the multiparty system of government; and

(c) null and void votes.

Classification
of
votes
counted

71.—(1) At the close of the counting of the votes, the District Commissioner or a duly authorized officer of the Commission shall prepare a record of the result of the referendum for his district showing—

Record of
the counting
of the votes

(a) with respect to each polling station—

(i) the total number of the persons who voted;

(ii) the total number of votes for or under each classification of votes as specified in regulation 70; and

(iii) the discrepancies, if any, between the votes counted and the number of persons who voted;

(iv) the full particulars of the polling station officers and the representative of the special interest groups who accompanied the ballot boxes from each polling station to the office of the District Commissioner and of the vehicles or vessels used as means of conveyance.

(b) with respect to the entire district—

(i) the total number of votes of persons who voted;

(ii) the total number of votes for or under each classification of votes as specified in regulation 70;

(iii) the discrepancies, if any, between the votes counted and the number of persons who voted;

(iv) the complaints thereto received by him with respect to the transportation and handling of ballot boxes from polling stations and to the counting of the votes and his decisions thereon.

(2) The record prepared under subregulation (1) shall be legibly signed by the District Commissioner or other officer supervising the counting and representatives of special interest groups shall be entitled

to receive a copy of the duly signed record or a duly signed summary thereof.

Announcement of the district result of the referendum

72. At the close of the counting of votes, the District Commissioner or other officer supervising the counting shall announce aloud to all present the result of the referendum in his district as recorded under regulation 71.

Delivery of records, etc., from districts

73. The District Commissioner or a duly authorized officer of the Commission shall deliver to the Referendum Supervisor under conditions of absolute security against loss, tampering or interference—

- (a) the record prepared under regulation 71;
- (b) all the ballot papers collected in separate lots corresponding to the classification under which they were counted;
- (c) all unused ballot papers received from polling stations;
- (d) the records of the polling process received from polling stations;
- (e) all voters registers returned from polling stations.

Determination of the national result of the referendum

74.—(1) The Commission shall determine and publish the national result of the referendum based on the records delivered to it from the districts.

(2) The determination of the national result of the referendum shall begin immediately after the Commission has received records from all districts and shall, subject only to subregulation (3), continue uninterrupted until concluded.

(3) If a record from any district or other element necessary for the continuation and conclusion of the determination of the national result of the referendum is missing, the Chairman of the Commission shall take necessary steps to rectify the situation and may, in such case, suspend the determination for a period not exceeding forty-eight hours.

(4) Representatives of special interest groups designated in writing to the Commission shall be entitled to observe the determination of the national result of the referendum.

Analysis of complaints prior to determination of the national result

75. At the beginning of determining the national result of the referendum, the Commission shall take a decision on any matter which has been a subject of a complaint and shall examine the votes which have been classified as null and void and may affirm or correct the determination thereof at the polling stations and at the offices of District Commissioners but without prejudice to the right of appeal conferred under regulation 93.

Records of the national result of the referendum

76. The Commission shall summarize its determination of the national result of the referendum in a written record, indicating—

- (a) the national result of the referendum as determined;
- (b) complaints and responses thereto and the decisions taken on them,

and the Chairman of the Commission shall under his hand submit the summary to the President and send copies thereof to each of the special interest groups.

77. The Commission shall publish in the *Gazette* and by radio broadcast and in at least one issue of a newspaper in general circulation in Malawi the national result of the referendum within eight days from the last polling day and not later than forty-eight hours from the conclusion of the determination thereof and shall, in such publication, specify—

Publication of the national result

- (a) the total number of voters registered for the referendum;
- (b) the total number of voters who voted;
- (c) the total number of null and void votes; and
- (d) the total number of valid votes cast for each side of the referendum question.

PART VIII—INTERNATIONAL OBSERVATION

78. For the purpose of these Regulations, international observation means the verification of the various stages of the referendum process by international organizations, non-governmental organizations, foreign governments and foreign personalities duly recognized for the purpose in accordance with this Part.

Meaning of International observation

79.—(1) International observation shall consist of the following activities—

Scope of international observation

- (a) to verify and monitor the impartiality and the functioning of the Commission and its officers in conformity with these Regulations;
- (b) to verify and monitor the impartiality and legality of the decisions taken by the Commission and its officers in settling referendum disputes;
- (c) to verify and monitor the registration of voters;
- (d) to observe the course of the referendum campaigning;
- (e) to verify and monitor the voting process;
- (f) to verify and monitor the determination of the referendum results; and
- (g) to observe the access to and the use of the media.

(2) Any irregularities noted by international observers shall be reported to the Commission or to the competent officers of the Commission and the Commission or such officers shall examine the activities reported as irregularities and shall, where the irregularities are confirmed, take corrective measures necessary to bring the referendum process into conformity with these Regulations.

80. International observation shall begin with the appointment of the Commission and end with the determination of the national result of the referendum or the settlement thereafter of all referendum disputes.

Beginning and end of international observation

81. A citizen of Malawi, wherever ordinarily resident, shall not qualify to serve as an international observer.

Citizens not to be international observers

82. It shall be the duty of the Commission, every officer thereof and every competent public officer or other competent authority in Malawi to co-operate with international observers in their role and to offer to them the guarantees and other facilities necessary to fulfil their role.

Co-operation by competent authorities

83. The Commission may send invitations for international observation and may do so on its own initiative or on request by the President or by a special interest group or by any government, organization or person competent under these Regulations to undertake international observations.

84.—(1) For purposes of recognition under these Regulations, international observers shall be categorized as follows—

(a) observers from the United Nations Organization and its agencies, the Organization of African Unity and its agencies, the Commonwealth Secretariat and other international organizations;

(b) observers from non-governmental organizations constituted and operating in any foreign country;

(c) observers from foreign governments; and

(d) individual observers.

(2) A person shall not be recognized as an international observer unless—

(a) in the case of the first three categories specified in subregulation (1), he has been designated by the relevant organization or foreign government in writing to the Commission disclosing his particulars and credentials;

(b) in the case of the category of individual observers, he is a person of recognized international experience and prestige.

85. Recognition of international observers on arrival in Malawi shall be granted by the Commission which, for that purpose, shall—

(a) establish adequate procedures for the proper and timely recognition of the observers;

(b) devise an identity card for each category of international observers and issue to every recognized observer the card corresponding to his category;

(c) devise a common and easily identifiable badge for all international observers and issue the badge to every recognized international observer.

86. Every international observer recognized under these Regulations shall, while exercising his functions, use the identity card and the badge issued to him.

Compulsory use of identity cards and the common badge
Rights of international observers

87. International observers shall, in Malawi, have the right—

(a) to obtain a multiple entry visa to enter Malawi for the duration of the referendum period;

(b) to have unimpeded access to all referendum events and to observe all aspects of the civic education programmes, the registration of voters, the campaigning, the voting, the counting of votes and the settlement of referendum disputes.

(c) to enjoy freedom of circulation throughout Malawi;

(d) to seek and obtain information on the organs involved in the referendum process and regarding the process itself;

(e) to communicate freely with all special interest groups and with any organization or person;

(f) to have access to information transmitted by or to the Commission and its officers;

(g) to have access to complaints and responses thereto about any occurrence or matter relating to the referendum process;

(h) to open offices within Malawi for the performance of their functions;

(i) to communicate any specific concerns they may have to members and officers of the Commission; and

(j) to communicate to the local and international media.

88.—(1) International observers shall have the following obligations—

Obligations of international observers

(a) to exercise their role with impartiality, independence and objectivity;

(b) to respect the Constitution and the laws of Malawi;

(c) not to interfere in, or to impede, the normal course of the referendum process;

(d) to provide to the Commission copies of written information and statements which they have produced; and

(e) to return the identity cards, the badge and any other identification material issued to them by the Commission after the end of their mission as observers.

(2) The Commission may revoke the accreditation of any international observer who persistently violates the obligations laid down in subregulation (1) and thereupon his status as an international observer shall cease.

89. Diplomats accredited to Malawi who are designated and recognized as international observers under these Regulations shall exercise their functions as such international observers without prejudice to their status and positions as such diplomats.

Position of diplomats

90. International observers may operate separately or jointly with other international observers of the same or a different category.

Separate and joint operation of international observers

PART VIII—DETERMINATION OF THE REFERENDUM QUESTION

91.—(1) The referendum question shall be considered to have been determined in favour of that side of the referendum question favoured by more than 50 per cent of the national result of the votes.

Determination of the referendum question

(2) If the votes for each side of the referendum question are equal, voting shall be repeated on a new polling day which the Commission shall determine and the process subsequent to voting as provided in these regulations shall also be repeated until a majority of the votes for either side of the referendum question is obtained.

PART IX—COMPLAINTS AND APPEALS

92. Any complaint submitted in writing alleging any irregularity with any aspect of the referendum process at any stage, if not satisfactorily resolved at a lower level of authority, shall be examined and decided by the Commission and where the irregularity is confirmed the Commission shall take necessary action to correct the irregularity and the effects thereof.

Commission to decide on complaints

Appeals
to the High
Court

93.—(1) An appeal shall lie to the High Court against a decision of the Commission confirming or rejecting the existence of an irregularity and such appeal shall be made by way of a petition, supported by affidavits of evidence, which shall clearly specify the declaration the High Court is being requested to make by order.

(2) On hearing a petition under subregulation (1), the High Court shall make such order as it thinks fit.

Parties not
liable to pay
costs

94. No party to proceedings before the High Court under regulation 93 shall be condemned to pay costs.

Offences

PART X—OFFENCES AND PENALTY

95. A person who—

(a) in relation to registration of voters—

- (i) obtains his registration by giving false information;
- (ii) gives false information to obtain his registration or the registration of another person;
- (iii) obtains registration at more than one registration centre;
- (iv) registers another person knowing that that other person is not eligible for registration;
- (v) prevents the registration of another person knowing that that person is eligible for registration;
- (vi) having the authority to do so, does not delete a registration which he knows to be incorrect;
- (vii) falsifies a voters register;
- (viii) with fraudulent intent, modifies or substitutes a voters registration certificate;
- (ix) through violence, threat or fraudulent intent, prevents the registration of another person;
- (x) knowingly obstructs the detection of incorrect registration or verification of voters registers;

(b) in relation to campaigning—

- (i) holds a public meeting without the permission under regulation 32 (2);
- (ii) prevents the holding, or interrupts the proceedings, of a public meeting authorized under regulation 32 (2);
- (iii) denies any special interest group equal treatment with any other special interest group;
- (iv) destroys, defaces, tears or in any manner causes to be totally or partially useless or illegible any campaign material displayed in an authorized place or space or superimposes thereon any other material concealing the first;
- (v) is entrusted, by virtue of his office or functions, with displaying or depositing in an authorized place or space any campaign material, fails to display or deposit such campaign material or misplaces, steals or destroys such material;
- (vi) publishes the results of an opinion poll on the likely outcome of the referendum;
- (vii) contravenes regulation 37;
- (viii) because another person attended or did not attend any campaign meeting, directly or indirectly, dismisses or threatens

to dismiss that other person from employment or other gainful occupation or prevents or threatens to prevent that other person from obtaining employment or other gainful occupation or from continuing in gainful occupation or applies or threatens to apply any sanction whatsoever to that other person;

(c) in relation to voting—

(i) not being otherwise authorized to be present or not being a registered voter knowingly presents himself at a polling station;

(ii) not being eligible to vote, casts a vote at any polling station;

(iii) fraudulently uses the identity of another person in order to exercise the right to vote;

(iv) consciously allows that the right to vote be exercised by a person who does not have that right;

(v) votes more than once;

(vi) accompanying a blind or a disabled person to vote, discloses the vote expressed by that person;

(vii) within a radius of one hundred metres of a polling station, reveals his vote or procures another person by force or deceit to reveal that other person's vote;

(viii) uses or threatens violence or uses false information or other fraudulent means to coerce or induce another person to vote for a particular side of the referendum question or to abstain from voting;

(ix) being a public officer, uses his office to coerce or induce another person to vote for a particular side of the referendum question or to abstain from voting;

(x) directly or indirectly, dismisses or threatens to dismiss another person from employment or other gainful occupation or prevents or threatens to prevent another person from obtaining employment or other gainful occupation or from continuing in gainful occupation or applies or threatens to apply any sanction whatsoever to another person in order to induce that other person to vote for or not to vote for, or because that other person voted for or did not vote for, a particular side of the referendum question or because that other person abstained from voting;

(xi) being a presiding officer of a polling station, fails to display a ballot box in accordance with the requirements of these Regulations;

(xii) illicitly introduces ballot papers in a ballot box before, during or after the voting;

(xiii) fraudulently takes possession or conceals a ballot box with uncounted ballot papers or removes an uncounted ballot paper from a ballot box;

(xiv) being a polling station officer, purposely neglects his duty with a view to occasioning an irregularity;

(xv) being a polling station officer, unjustifiably refuses to receive a complaint or a response to a complaint about the proceedings at his polling station or to examine and seek to resolve it;

(xvi) disturbs the regular functioning of a polling station;

(xvii) refuses to leave a polling station after being asked to do so by a polling station officer;

(xviii) being an officer-in-charge of police requested to assign police officers to keep order at a polling station, fails without justification to do so within a reasonable time;

(xix) being a police officer assigned to keep order at a polling station wilfully neglects his duties;

(d) in any manner, fraudulently spoils, substitutes, conceals, destroys, amends or falsifies any document relating to the referendum process;

(e) in bad faith, submits a complaint or response to a complaint or challenges or questions the decisions thereon by a competent person or body;

(f) without justification, neglects to fulfil obligations imposed on him by or under these Regulations, shall be guilty of an offence.

General penalty 96.—(1) A person guilty of an offence under these Regulations for which no other penalty has been specified shall be liable to a fine of K1,000 and to imprisonment for six months.

(2) In addition to the penalty under subregulation (1), the court may make an order—

(a) where applicable, barring the convicted person from performing the duties of his office in connexion with the referendum;

(b) suspending the right of the convicted person to vote in the referendum; and

(c) having regard to the nature of the activity constituting the offence, giving such directions as the court considers to be warranted in the circumstances.

PART XII—MISCELLANEOUS

Validation of appointments, etc. 97. Any appointment to the Commission made, and any thing done preparatory to the referendum, before the commencement of these Regulations and which is capable of being made or done under these Regulations shall be deemed to have been properly and validly made or done in accordance with these Regulations, but without prejudice to the right of the Commission to vary the thing so done in the exercise of its powers and duties under these Regulations.

Presentation of the referendum documents 98. At the end of its functions, the Commission shall deposit all documents forming the official record of the referendum (including voters registers, ballot papers, records from districts and polling stations and summaries thereof and the record and summary of the national result of the referendum) with the Clerk of Parliament who shall retain and preserve such documents in safe and secure custody without destruction for a period of not less than seven years.

FIRST SCHEDULE

Preamble

REFERENDUM QUESTION

Do you wish that Malawi remains with the one-party system of government with the Malawi Congress Party (MCP) as the sole political party or do you wish that Malawi changes to the multiparty system of government?

SECOND SCHEDULE

reg. 2

SPECIAL INTEREST GROUPS

1. The Malawi Congress Party (MCP)
2. The Alliance for Democracy (AFORD)
3. The United Democratic Front (UDF)
4. The Public Affairs Committee (PAC)

THIRD SCHEDULE

reg. 7 (2)

OATH OF OFFICE OF MEMBER OF THE COMMISSION

I, _____, having been appointed to the office of Member of the Referendum Commission, established under the Constitution (Referendum on Malawi's Political System) Regulations, 1993, do swear that I will well and truly serve the Republic of Malawi in that office. So help me God.

Signed _____

Before me this _____ day of _____, 19_____

President

OR

I, _____, having been appointed to the office of Member of the Referendum Commission, established under the Constitution (Referendum on Malawi's Political System) Regulations, 1993, do solemnly, sincerely and truly declare and affirm that I will well and truly serve the Republic of Malawi in that office.

Signed _____

Before me this _____ day of _____, 19_____

President

Made this 4th day of February, 1993.

(FILE NO. 11/05/6)

H. KAMUZU BANDA
Life President



The Malawi Gazette Supplement, dated 28th May, 1993, containing
Regulations, Rules, etc. (No. 22A)

GOVERNMENT NOTICE No. 57

CONSTITUTION OF MALAWI
CONSTITUTION (REFERENDUM ON MALAWI'S POLITICAL SYSTEM)
(AMENDMENT) (NO. 2) REGULATIONS, 1993

IN EXERCISE of the powers conferred by section 8A of the Constitution, I, NGWAZI DR. H. KAMUZU BANDA, Life President of Malawi, hereby make the following Regulations—

1. These Regulations may be cited as the Constitution (Referendum on Malawi's Political System) (Amendment) (No. 2) Regulations, 1993. Citation

2. The Constitution (Referendum on Malawi's Political System) Regulations (hereinafter referred to as the "principal Regulations") are amended, in regulation 29— Amendment
of reg. 29
of G.N. 5
of 1993

(a) in subregulation (1), by deleting the words "(1) Subject to subregulation (2), the" and substituting therefor the word "The";

(b) by deleting subregulation (2).

3. Regulation 41 of the principal Regulations is deleted and replaced by the following— Replacement
of reg. 41
of the
principal
Regulations

"Publication
of books,
pamphlets,
etc.
Cap. 21:01

41. Subject to the provisions of any rules made under section 24A of the Censorship and Control of Entertainments Act, during the campaign period any special interest group may, either alone or in common with others, publish campaign materials in the form of books, booklets, pamphlets, leaflets, magazines or newspapers and shall, in any such publication specify particulars sufficient to identify the group or groups as the case may be:

Provided that nothing in this regulation shall be construed as authorizing the publication, distribution or circulation of any publication the importation or publication of which is prohibited under section 46 of the Penal Code.

4. Regulation 47 of the principal Regulations is amended—

(a) by deleting paragraph (b), and substituting therefor the following—

(b) the ballot papers and accompanying envelopes for use by voters in casting their votes;";

(b) in paragraph (c), by deleting the word "boxes" and substituting therefor the word "box";

(c) by adding thereto the following new paragraphs—

"(f) record sheets for the record required under regulation 71;

(g) a special container to be positioned in the polling booth into which a voter shall deposit the ballot paper he has discarded;

(h) a lamp or lamps to be lit and used for counting votes at the close of the poll."

Amendment
of reg. 47
of the
principal
Regulations

Amendment
of reg. 51
of the
principal
Regulations

5. Regulation 51 of the principal Regulations is amended by deleting subregulation (4) and substituting therefor the following new subregulation—

“(4) A voter shall be entitled to cast his vote only once and one person shall have one vote”.

Replacement
of reg. 53
of the
principal
Regulations

6. Regulation 53 of the principal Regulations is deleted and replaced by the following new regulation—

“Ballot
papers and
accompany-
ing envelopes

53.—(1) The Commission shall arrange for the printing in sufficient quantities of two distinctly identifiable ballot papers, one displaying the agreed symbol for the choice of voters favouring the one party system of government and the other displaying the agreed symbol for the choice of voters favouring the multi-party system of government.

(2) In addition to the two ballot papers as required under subregulation (1), the Commission shall procure specially printed envelopes for use by voters in casting their votes in accordance with the requirements of regulation 64”.

Amendment
of reg. 54
of the
principal
Regulations

7. Regulation 54 of the principal Regulations is amended by deleting the words “while he is casting the ballot paper in the ballot box” and substituting therefor the words “when he is selecting one ballot paper and discarding the other ballot paper according to his choice”.

Amendment
of reg. 55
of the
principal
Regulations

8. Regulation 55 of the principal Regulations is amended by deleting subregulations (2) and (3) and substituting therefor the following new subregulation—

“(2) Subject to satisfying the requirements of these Regulations, on the polling day the presiding officer of a polling station shall position in respect of each voting booth at that polling station one ballot box in such a way that when voters cast their votes in the ballot box they shall do so in full view of the polling station officers and other officials present thereat.”.

Amendment
of reg. 64
of the
principal
Regulations

9. Regulation 64 of the principal Regulations is amended—

(a) in subregulation (2), paragraph (b), by deleting the words “outer part of a ballot paper perforated from the inner part” and substituting therefor the words “two ballot papers, one for each side of the referendum question, and one specially printed envelope for use by the voter in accordance with subregulation (3)”;

(b) by deleting subregulation (3), and substituting therefor the following new subregulation—

“(3) The voter shall while in the voting booth enclose in the envelope handed to him with the ballot papers the ballot paper corresponding of the side of referendum question which he favours and discard the other ballot paper into a container positioned in the voting booth and shall then emerge from the voting booth and cast the envelope in the polling box in full view of the polling stations officers and other officials present thereat.”;

(c) by deleting subregulation (4).

10. Regulation 66 of the principal Regulations is amended in sub-regulation (1)—

(a) in paragraph (b), by deleting the words "or 69 (3)";

(b) by adding thereto the following new paragraph—

"(c) the envelope used for casting the vote contains two or more ballot papers."

Amendment
of reg. 66
of the
principal
Regulations

11. Regulations 68 to 73 of the principal Regulations are deleted and replaced by the following new regulations—

"PART VII—DETERMINATION OF RESULTS

Replacement
of regs. 68
to 73,
inclusive

Unused
ballot papers

68. At the close of the poll at any polling station, the presiding officer shall proceed by first collecting together and separately all unused ballot papers and placing them in a separate envelope provided to him for the purpose by the Commission and then sealing the envelope and initialling or stamping it over the sealed area.

Classifica-
tion of votes
cast

69. For the purposes of determining the results of the referendum at a polling station and, in particular, in counting the votes thereat, the votes cast at a polling station shall be separately classified into—

(a) null and void votes;

(b) votes for the one party system of government;
and

(c) votes for the multi-party system of govern-
ment.

Opening of
the ballot
box and
counting
of votes

70. After the close of the poll at any polling station, and only thereafter, the presiding officer shall, in the presence of other polling station officers and representatives of special interest groups if any be present, open the ballot box and order the counting of the votes to proceed according to a procedure entailing the polling station officers—

(a) picking out of the ballot box one envelope at a time and then opening the envelope and displaying the ballot paper or papers to all present and announcing aloud the classification of the vote as specified in paragraph 69;

(b) recording on a sheet of paper provided to the polling station officers for the purpose, showing the classification of votes, the votes cast for each classification;

(c) displaying the already announced ballot papers and separating them into lots corresponding to each classification; and

(d) announcing, through the presiding officer, the number of votes cast at the polling station under each classification.

Record of
the polling
process

71.—(1) The presiding officer shall cause to be prepared by the polling station officers—

(a) a record of the entire polling process at his polling station containing—

(i) the full particulars of the polling station officers and representatives of special interest groups;

(ii) the total number of votes;

(iii) the total number of votes for or under each classification of votes;

(iv) the number of unused ballot papers;

(v) the number of ballot papers which have been the subject of complaints;

(vi) the discrepancies, if any, between votes counted and the number of voters;

(vii) the number of complaints and responses thereon and the actions taken thereon by the polling station officers;

(viii) any other occurrence which the polling station officers consider to be important to record;

(b) a brief summary of the final result,

and such record and summary shall be legibly signed by the presiding officer and each of the other polling station officers and by at least one representative of each special interest group if any be present.

(2) Representatives of special interest groups at a polling station shall be entitled to a copy of the duly signed summary of the final result at that polling station.

Delivery of
ballot papers,
etc., from
polling
stations

72. The presiding officer of a polling station shall, with all dispatch, deliver to the office of the District Commissioner of his district under conditions of absolute security against loss, tampering or interference—

(a) the record prepared under regulation 71;

(b) all the ballot papers collected in separate lots corresponding to the classification under which they were counted;

(c) all unused ballot papers;

(d) all voters registers and other work items provided to that polling station."

Compilation
of the
district result
of the
referendum

73.—(1) On receipt of records of the referendum process from polling stations, the District Commissioner or an officer of the Commission duly authorized in that behalf shall, at the office of the District Commissioner, compile the result of the referendum in his district on the basis of the duly signed summaries received with such records and shall prepare, on the appropriate sheets provided for the purpose by the Commission, a record in respect of the entire district showing—

(a) the total number of persons who registered as voters;

(b) the total number of persons who voted;

(c) the total number of votes for or under each classification of votes in accordance with regulation 66;

(d) the discrepancies, if any, between the votes counted and the number of persons who voted;

(e) the complaints, if any, received by him and his decisions thereon.

(2) Representatives of special interest groups, duly designated for the purpose, shall be entitled to observe the entire procedure followed at the office of the District Commissioner in compiling the district result of the referendum under subregulation (1).

(3) The record prepared under subregulation (1) shall be legibly signed by the District Commissioner or other officer supervising the compilation thereof and by at least one duly designated representative of every special interest group, if any be present, and such representative shall be entitled to receive a copy of the record.

(4) The District Commissioner or a duly authorized officer of the Commission shall, with all dispatch, deliver to the Referendum Supervisor under conditions of absolute security against loss, tampering or interference—

(a) the record prepared under subregulation (1); and

(b) all items received from all polling stations in the district concerned.

12. Regulation 74 of the principal Regulations is amended in subregulation (1) by inserting after the word "districts" the words "and polling stations".

Amendment
of reg. 74
of the
principal
Regulations

Made this 26th day of May, 1993.

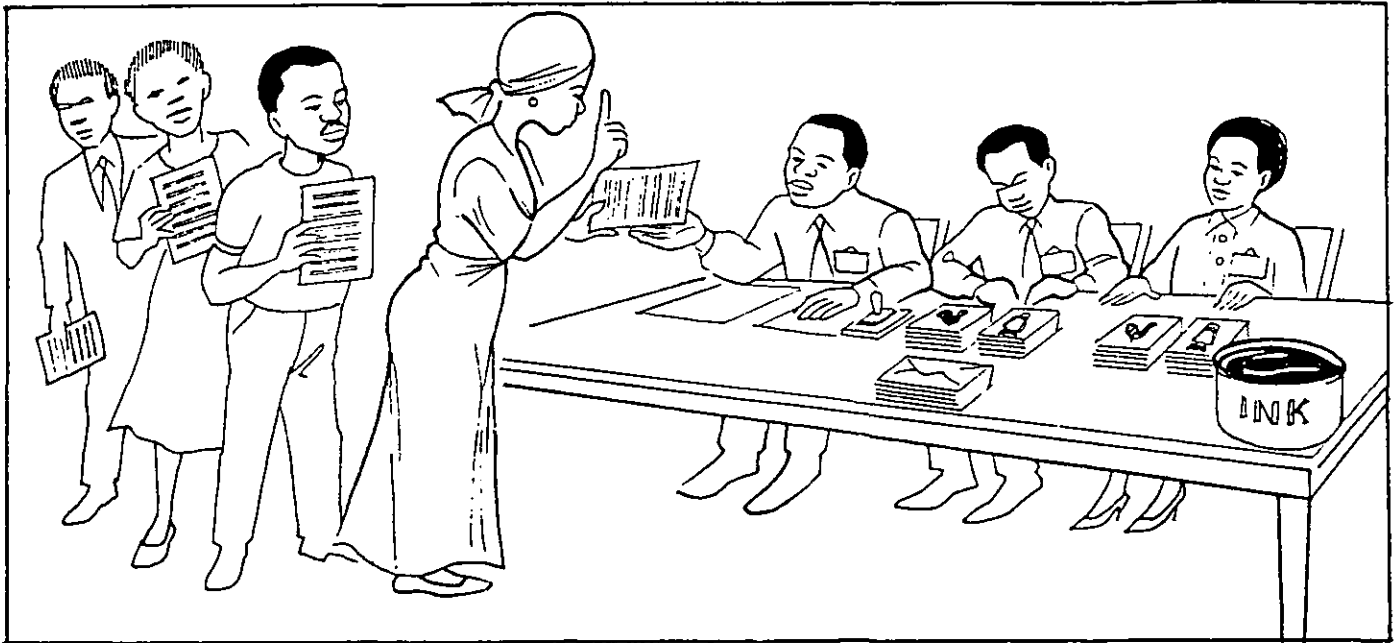
H. KAMUZU BANDA
Life President

FILE NO. 11 05 6)



APPENDIX C

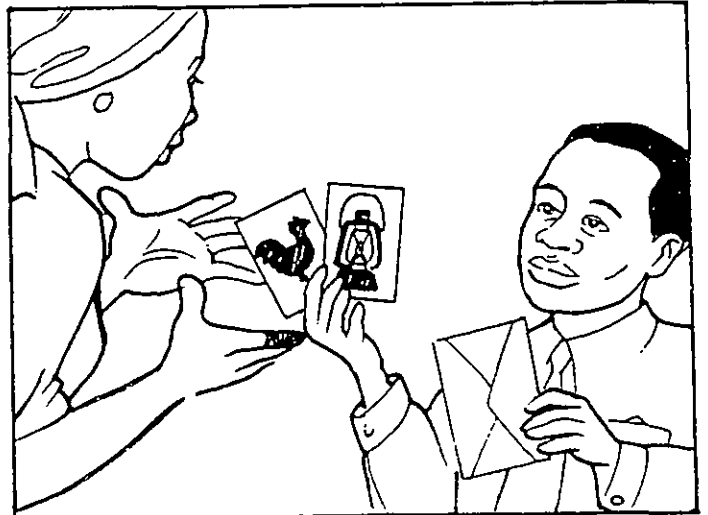
VOTER EDUCATION FLYER AND POSTER



1 Pelekani Satifiketi ya Rejisitreshoni ndi kuonetsa chala chanu



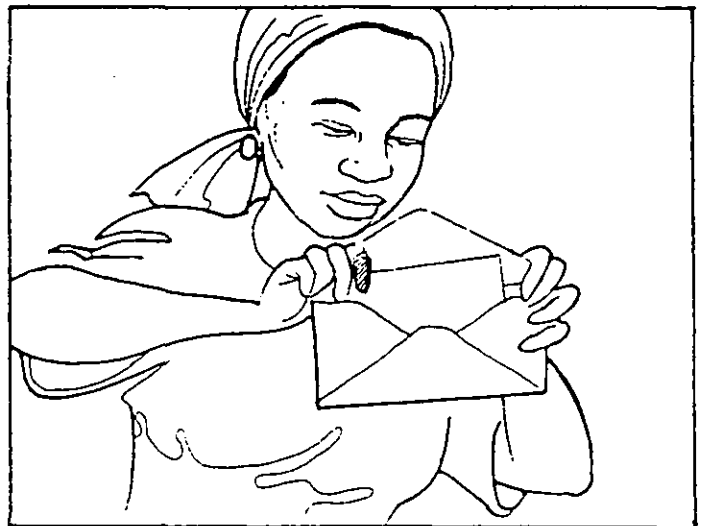
2 Viikani chala mu Inki



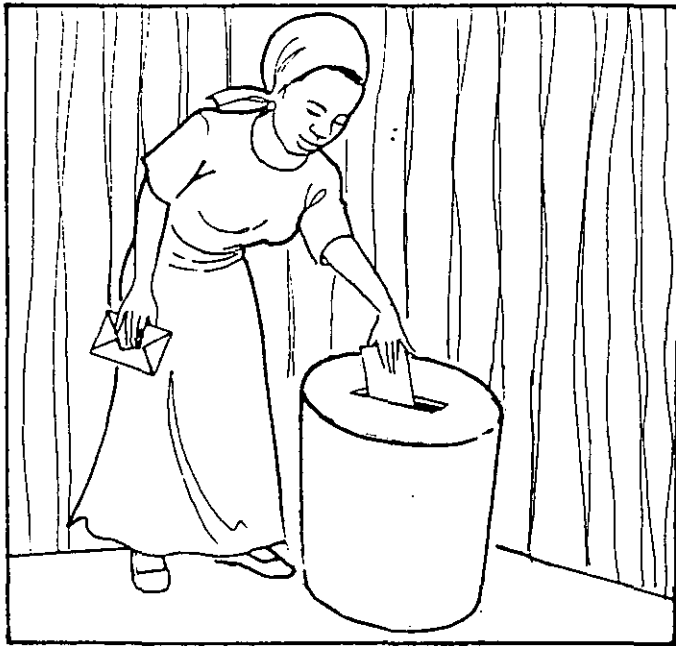
3 Landilani mapepala a baloti awiri: La Tambala Wakuda ndi La Nyali, ndi Invilopu



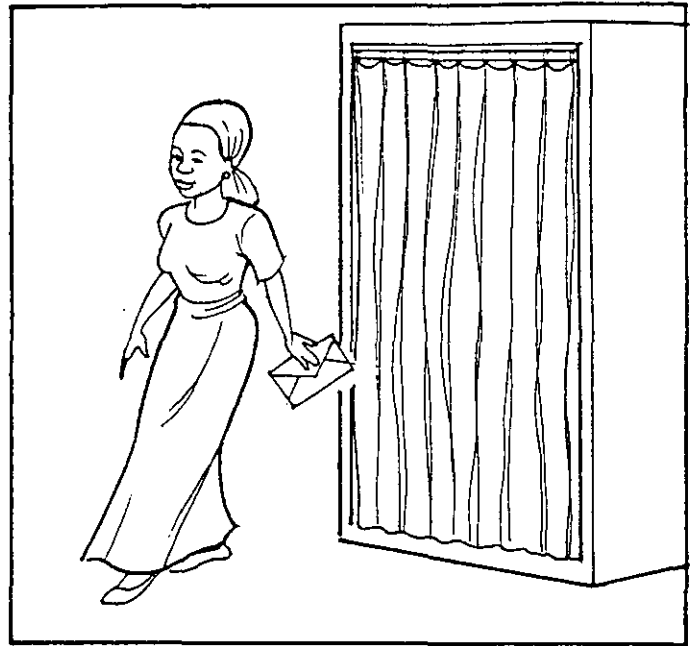
4 Kaloweni m'malo obisika mosankhila pepala la Voti



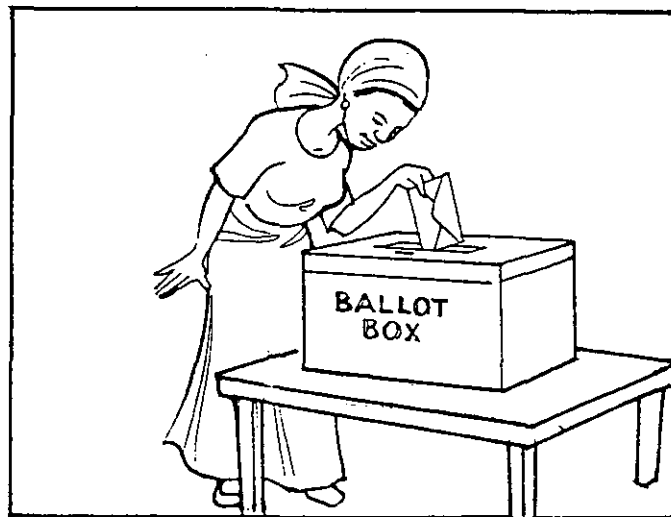
5 Ikani mu Invilopu Voti yomwe mwasankhayo



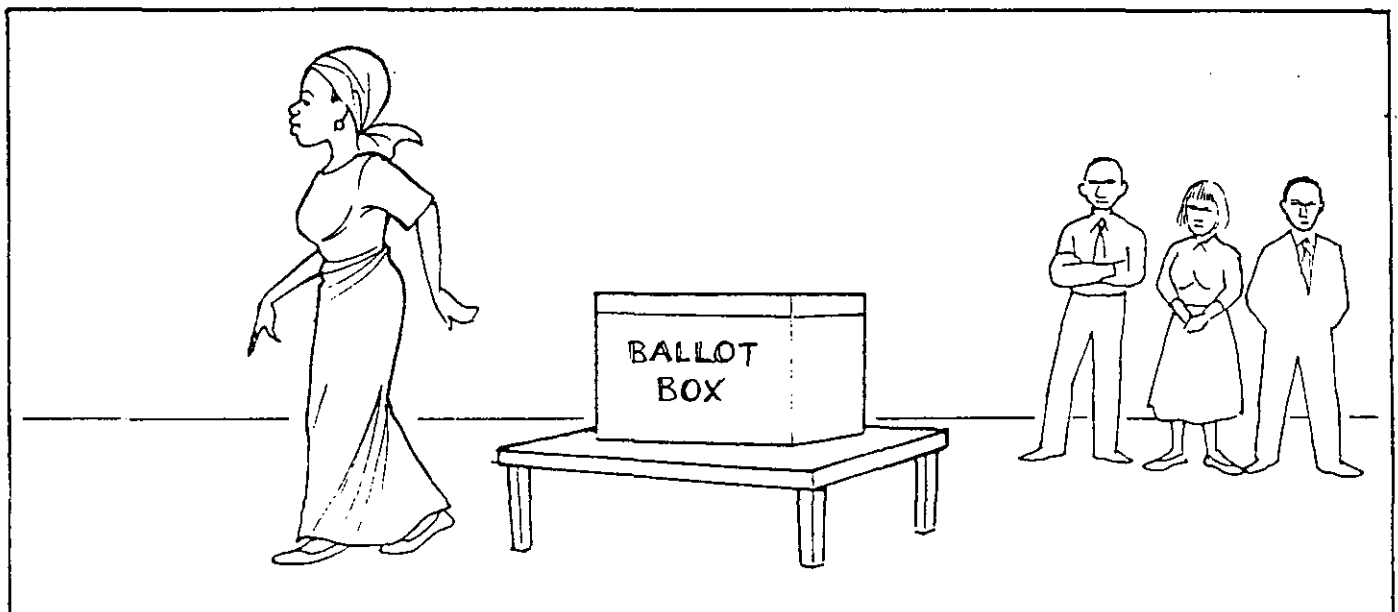
6 Tayani pepala losafunikalo m'malo ake otayila



7 Tulukanimo m'malo obisikawo



8 Ikani Invilopu mu bokosi loponyela Voti lomwe lili lokhoma ndi loko





VOTI YA RIFERENDAMU PA 14 JUNI, 1993



(Administrative Paper)

REPUBLIC OF MALAWI
No. 03

MALAWI AGE AND RESIDENCE CERTIFICATE
(Form under s. 6 of the Registration of Voters Act (Cap. 7:01))

To the best of my knowledge and belief—

THENGOLAKULA (Name)
(Use full name)

ZEMBENI (Place of birth)
(Use full name)

MALE (Sex)
(Use full name)

DZIKHUTUMBALE (Place)
(Use full name)

GWIRENIMASO (Place)
(Use full name)

He is a citizen of Malawi.

He has attained the age of 21 years.

He is ordinarily resident in Malawi and has been ordinarily resident in Malawi for some time for a substantial period of one year, and

He is—

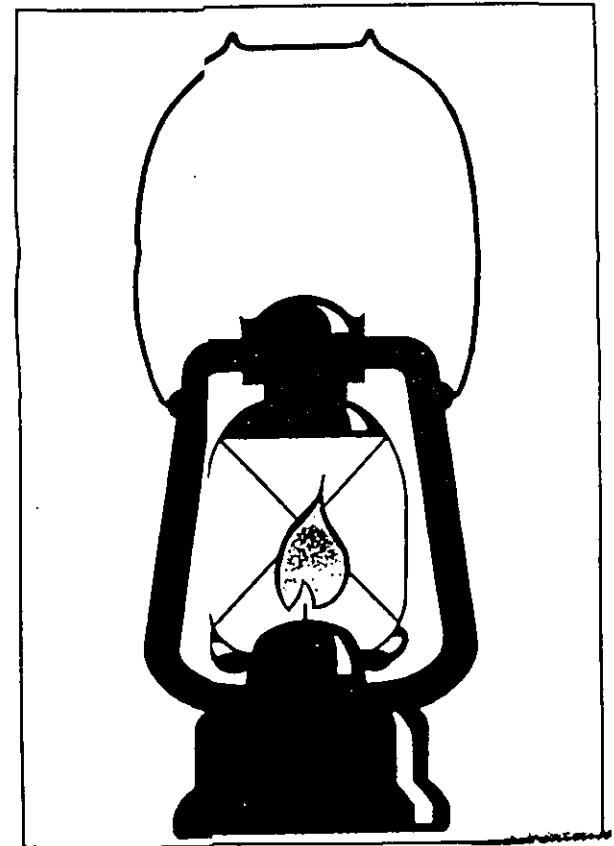
He is ordinarily resident in the village/parish of DZIKHUTUMBALE

He was born in the village/parish of MCHEKA/DELUDELU

He is employed/works as a farmer in the village/parish of MCHEKA/DELUDELU

Date 12-04-93 Signature BHK
(Authorised Officer)

*This certificate is not applicable.



Olemba: Abangwe la Zavoti ya Riferendamu, P.O. Box 999, Lilongwe
Ochita dizaini: Unduna wa Zofalitsa Nkhani ndi Zokopa Alendo

Odinda: Montfort Press, Limbe, Malawi

Malawi Registration Board

APPENDIX D

GUIDELINES FOR THE CONDUCT OF TRAINING SESSIONS

CONDUCT OF TRAINING SEMINARS

I. Programme

Session 1

- C A. Introductions - Reason for Training
- B.
 - 1) Glossary of Terms
 - 2) Role of Presiding Officers
 - 3) Polling Staff and Duties
 - 4) Preparations for Referendum Day Including Layout of Polling Station

Session 2

- A. Referendum Day - Polling
- B. Referendum Day - Closing the Poll

Session 3

- A. Referendum Day - Counting the Votes and Transmission of Results
- B. Security - Role of Monitors and Observers
- C. Review Overall - Consolidation Where Necessary

Notes: (i) Three sessions of approximately two hours each - may run over or under - adjust on the day.

(ii) Distribute manuals at commencement of training - if possible beforehand so people have opportunity to read before sessions commence

II. Notes for Conduct of Sessions

Session 1

- A. **Introduce self** - ask others to introduce themselves and state whether they have any experience of referendum/elections. Explain programme, inviting questions as you go. Explain reason for training - need to ensure compliance with regulations and consistent standards. Training of Pos is of great importance - Pos are key people in conducting the poll, counting the votes and transmitting the results. Explain importance of manual - refer to it at all times for guidance.
- B. (i) **Glossary of Terms - Manual Section 1.** Run through. Same words mean different things to different people - explain particularly difference between polling centre and polling station. Check that everybody understands definition.
- (ii) **Role of Presiding Officer - Manual Section 2.** Go through duties. Stress supervisory role - PO should ensure whole process is running smoothly.
- (iii) **Polling Staff & Duties - Manual Section 2.** Run through. Particularly important to stress role of Recording Secretary - key person - make sure Pos work with RS in completion of official report.
- (iv) **Preparations for Referendum Day - Manual Section 3.** Visit the site. Pos should meet staff - make sure everyone knows their jobs before the day - poor preparation = poor performance. Layout of Polling Station - refer to plan - get clerks in the right order - get best layout possible in the room available - find out who will control entrances and exits.

Session 2

- A. **Referendum Day Polling - Manual Section 4.** First go through the procedures before opening the polling station as per manual - include reference to polling staff voting. Run through voting process in detail as per manual - simulate polling station layout and process.

Refer specifically to:

- spoilt vote process
- ensuring secrecy
- maintaining an orderly flow
- close of poll - last person in line
- official report - note incidents as they occur

Stress again need to keep polling stations separate when more than one is located in the same building.

- B. **Referendum Day - Closing the Poll - Manual Section 5.** Run through process. Ensure accurate completion of the official report. Explain procedure for counting marked names in register and counting number of unused ballot papers. Must destroy contents of discard box (by fire) - Do not leave polling station while this is being done - burn in sight of PO if possible - delegate task to two poll clerks. Final job is to rearrange furniture for count.

Section 3

- A. **Counting the Votes and Transmission of the Result - Manual Sections 6 & 7.** Run through. Explain layout. Particularly important to deal with step-by-step procedure. Open box. Check for ballot papers in envelopes. Count number of envelopes, number of spoilt ballot papers. Check totals are right and agree with close-of-poll totals. Then open envelopes - make sure they are emptied. Put envelopes to one side. Split ballot papers into piles as per manual instructions. Check and recheck numbers - should agree with total on opening of box. Make sure everyone agrees on result. Simulate count layout and process. Then complete official report and pack up as per manual. Go through arrangements to deliver to DC.
- B. **Security - Manual Section 8.** Stress need for absolute security of election material; vital to confidence in result. Keep polling station secure at all times. Monitors and observers. Explain difference and role as per manual.
- C. **Review overall - run through whole process again briefly.** Check whether any particular issue that those present wish to go through again. Not complicated - just stress to everybody that if they have a problem: stop - think - look at the manual. Mention that position about monitors and observers is explained in Manual Section 9. Good luck!

APPENDIX E
REFERENDUM RESULTS

SUMMARY OF MALAWI'S 1993 REFERENDUM RESULTS

PERCENTAGE OF VOTES

DISTRICT	NO. REGISTERED	NO. VOTED	SINGLE PARTY	MULTI-PARTY	NULL AND VOID	SINGLE PARTY	MULTI-PARTY	NULL AND VOID	NO. VOTED*
NORTHERN REGION									
Chitipa	58 404	41 073	3 603	37 165	305	9	90	1	70
Karonga	110 603	65 376	3 799	61 038	539	6	93	1	59
Nkhata Bay	129 514	60 211	4 399	54 990	822	7	91	2	46
Rumphi	59 300	51 342	6 687	43 943	712	13	86	1	87
Mzuzu	110 980	91 832	17 520	73 281	1 031	19	80	1	83
Mzimba	160 538	134 362	11 093	122 152	1 117	8	91	1	84
CENTRAL REGION									
Dedza	184 589	139 440	100 840	34 628	3 972	72	25	3	76
Dowa	194 010	139 732	115 958	20 345	3 429	83	15	2	72
Kasungu	232 276	179 542	125 600	48 960	4 982	70	27	3	77
Lilongwe	591 460	384 790	267 168	105 110	12 512	69	27	3	65
Mchinji	196 393	116 425	75 012	34 559	6 854	64	30	6	59
Nkhota Kota	133 866	79 336	40 515	35 965	2 856	51	45	4	59
Ntcheu	142 550	100 971	25 227	74 655	1 089	25	74	1	71
Ntchisi	64 204	52 053	39 946	11 224	883	77	22	1	81
Salima	94 472	78 592	42 147	34 586	1 859	54	44	2	83
SOUTHERN REGION									
Blantyre	271 152	230 408	30 363	197 938	2 107	13	86	1	85
Chikwawa	194 987	106 873	24 631	80 364	1 878	23	75	2	55
Chiradzulu	98 605	82 572	8 539	70 578	3 455	10	86	4	84
Machinga	344 753	201 239	17 240	181 186	2 813	9	90	1	58
Mangochi	352 263	201 319	17 911	179 697	3 711	9	89	2	57
Mulanje	347 006	191 366	37 775	145 111	8 480	20	76	4	55
Mwanza	74 890	41 525	11 639	29 137	749	28	70	2	55
Nsanje	106 287	58 853	10 106	47 929	818	17	81	2	55
Thyolo	186 262	153 485	28 259	122 823	2 403	18	80	2	82
Zomba	260 163	170 731	22 496	146 632	1 603	13	86	1	66
T O T A L	4 699 527	3 153 448	1 088 473	1 993 996	70 979	35	63	2	67

* as a percentage of registered voters